

**FIRE LAWS
OF
MARYLAND
2019 EDITION**





**What if your legal
book research was
never constrained
by time or place?**

Experience that freedom with LexisNexis® eBooks. Whether you're consulting a deskbook or a multi-volume treatise, now you can start your research anytime, anywhere. Blend tried-and-true research methods with advanced features like highlighting, annotating and printing. Start reading right away via your web browser or any mobile device. Even go beyond the book and link to sources on the Lexis Advance® service.† Take your practice forward with the flexibility of LexisNexis eBooks.

LexisNexis® eBooks

Get legal eBooks at
lexisnexis.com/eReading
or call 800.223.1940

†Lexis Advance linking may not be available in all titles. Access to the Lexis Advance service requires an active subscription.
LexisNexis, Lexis Advance and the Knowledge Burst logo are registered trademarks of RELX Inc. © 2019 LexisNexis. 0219



FIRE LAWS OF MARYLAND

2019 EDITION



EDITED AND DISTRIBUTED BY
**MARYLAND STATE
FIREMEN'S ASSOCIATION**

MICHAEL R. FAUST
PRESIDENT (2019-2020)

QUESTIONS ABOUT THIS PUBLICATION?

For CUSTOMER SERVICE ASSISTANCE concerning replacement pages, shipments, billing, reprint permission, or other matters, please contact Customer Support at our self-service portal available 24/7 at support.lexisnexis.com/print or call us at 800-833-9844

For EDITORIAL content questions concerning this publication, please email: LLP.CLP@lexisnexis.com

For information on other LEXISNEXIS MATTHEW BENDER publications, please call us at 800-223-1940 or visit our online bookstore at www.lexisnexis.com/bookstore

ISBN: 978-1-5221-9055-4

© 2019 Matthew Bender & Company, Inc., a member of the LexisNexis Group, and Maryland State Firemen's Association.

Code of Maryland Regulations
© 2019 by Division of State Documents.

All rights reserved.

LexisNexis and the Knowledge Burst logo are registered trademarks, and Michie is a trademark of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

Please note that the Fire Laws of Maryland Book is copyrighted and the following is furnished for your information by Michael W. Farlow, Esq., attorney for the Maryland State Firemen's Association:

THE FIRE LAWS OF MARYLAND IS THE COPYRIGHTED PROPERTY OF THE MARYLAND STATE FIREMEN'S ASSOCIATION. REPRODUCTION OR OTHER USE OF THE FIRE LAWS OF MARYLAND WITHOUT THE SPECIFIC WRITTEN PERMISSION OF THE MARYLAND STATE FIREMEN'S ASSOCIATION IS A VIOLATION OF THE RIGHTS OF THE MARYLAND STATE FIREMEN'S ASSOCIATION AND VIOLATION OF FEDERAL LAW.



Matthew Bender & Company, Inc.
Editorial Offices
701 E. Water Street
Charlottesville, VA 22902
800-446-3410
www.lexisnexis.com

“DEDICATION”

FROM THE VOLUNTEER EMERGENCY SERVICES
OF THE STATE OF MARYLAND
TO THE PEOPLE OF
THE STATE OF MARYLAND
WHOM WE SERVE

PROPERTY OF THE MARYLAND STATE FIREMEN'S ASSOCIATION

Edited and Distributed by
Maryland State Firemen's Association

**MARYLAND STATE FIREMEN'S ASSOCIATION
2019-2020 OFFICERS**

PRESIDENT

Michael R. Faust C 443-262-6896
Sudlersville VFC — Queen Anne's
112 Norwood Drive
Sudlersville, Maryland 21608
E-Mail: mfaust@atlanticBB.net

FIRST VICE PRESIDENT

Charles W. "Chuck" Walker C 240-417-5370
Chillum Adelphi VFD — Prince George's
4218 Ulster Road
Beltsville, Maryland 20705
E-Mail: cwwalker343@gmail.com

SECOND VICE PRESIDENT

Joel C. McCrea C 410-592-7759
Long Green VFD — Baltimore
P.O. Box 233
Glen Arm, Maryland 21057
E-Mail: jmccrea@msfa.org

SECRETARY

Doyle E. Cox PP
Prince Frederick VFD — Calvert C 443-532-1416
29132 Superior Circle
Easton, Maryland 21601
E-Mail: doyle.cox2010@gmail.com or secretary@msfa.org

TREASURER:

Ronald J. Siarnicki H 443-249-0455
United Communities VFD - Queen Anne's W 410-721-6212
2130 Priest Bridge Drive, Ste 6 C 301-467-5780
Crofton, Maryland 21114
216 Queen Anne Club Drive
Stevensville, Maryland 21666
E-Mail: rsiarnicki@aol.com

FINANCIAL SECRETARY

Mitch Vocke
Jarrettsville VFC — Harford C (410) 808-1693
P.O. Box 401
Jarrettsville, Maryland 21084
E-Mail: wmvocke1@gmail.com

Any inquiries concerning content

Should be directed to:

Mark A. Bilger — Chairman

Fire Laws of Maryland Book Committee

2130 Priest Bridge Drive — Suite 4

Crofton, Maryland 21114

443-302-2911

MARYLAND STATE FIREMEN'S ASSOCIATION FIRE LAWS BOOK COMMITTEE

FOREWORD

By virtue of the compilation of the statutory sections of the *Annotated Code of Maryland* contained in this volume, the editors have attempted to provide a vehicle by which the fire and rescue service could have a ready reference to statutes and statutory sections which are of particular importance and/or apply with particularity to the fire and rescue service. The editors specifically point out that the *Annotated Code of Maryland*, comprised of some forty volumes of statutory enactments and commentary thereon, applies to every person in the State of Maryland, and that statutes, statutory sections or local laws are not included herein does not purport to state that the statutes or the statutory sections of the *Annotated Code of Maryland* not included do not apply to the fire and rescue service.

Most volunteer fire and rescue companies in the State of Maryland are corporations, although it is not necessary for a volunteer fire or rescue company to be a corporation to either exist or to be a duly recognized tax-exempt organization. There is one volume of the *Annotated Code of Maryland* entitled Corporations and Associations. Needless to say, every corporation or association in the State of Maryland is obliged to conform its conduct to the statutory enactments contained therein, such as the duty to record the charter, notify the State Department of Assessments and Taxation of change of resident agent, and etc. The statutory sections included in the herein volume are those which are of particular interest to the fire and rescue service — not necessarily because they address the fire and rescue service per se, but because for the most part, the fire and rescue service is comprised of tax exempt organizations and these sections deal with some obligations peculiar to tax exempt organizations.

The Volume on Criminal Law of the *Annotated Code of Maryland* is the article in which the volume on Criminal Law of the State of Maryland is enacted. It was the editor's purpose in this compilation to include sections from the Criminal Code which were of particular importance to the fire and rescue service; however, there are, needless to say, some six hundred plus subsections of the Criminal Code and all those sections could not be included.

The article on Transportation of the *Annotated Code of Maryland* contains motor vehicle laws contained in several chapters. As with the Corporations and Associations article and with the Criminal Code, the editors have selected sections of the Transportation article which they felt were of particular interest to the fire and rescue service and have not included sections which are general in nature and apply at all times to all persons.

The last article which the editors feel requires special comment is the Workers' Compensation Law of the State of Maryland codified under Title 9 of the Labor and Employment Article of the *Annotated Code*. Although to the extent that it applies to the fire and rescue service, the entire Workers' Compensation Law and all its subsections would apply, there are some

FIRE LAWS OF MARYLAND

subsections which are of particular importance to the fire and rescue service and which are accordingly included in this compilation.

The editors urge that to the extent that there is a specific question with regard to the fire and rescue service which might arise and with regard to which the answer is not readily ascertainable from this volume, that the person refer to the *Annotated Code of Maryland* proper.

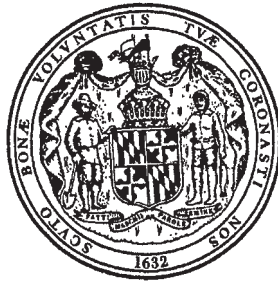
THE EDITORS

EXECUTIVE DEPARTMENT

Lawrence J. Hogan, Jr.
Governor

Boyd K. Rutherford
Lt. Governor

John C. Wobensmith
Secretary of State



JUDICIARY DEPARTMENT

Brian E. Frosh
Maryland Attorney General

GENERAL ASSEMBLY

Thomas V. Mike Miller, Jr.
President of the Senate

Adrienne A. Jones
Speaker of the House

**Maryland State Fire Prevention Commission
(MSAR 2029)**

18345 Colonel Henry K. Douglas Drive
Suite 240
Hagerstown Maryland 21740
877-890-0199
301-766-3899
Fax: 301-766-3889
<http://sfpc.mdsp.org>
msp.sfpc@maryland.gov

Members & Representation

Charles D. Davis, Jr. Chairman Term Expires June 30, 2020*	<i>Southern Maryland Volunteer Fire Company</i>
Mark A. Bilger Vice Chairman Term Expires June 30, 2024*	<i>Eastern Shore Volunteer Fire Company</i>
Douglas C. Alexander Term Expires June 30, 2023	<i>Western Volunteer Fire Company</i>
Emily K. Devan Term Expires June 30, 2024*	<i>At-Large Member of the Public</i>
Michael R. Faust Term Expires June 30, 2022	<i>At-Large Industry Representative</i>
K. C. Harrington Term Expired June 30, 2018**	<i>At-Large Building Contractor</i>
Kevin Simmons Term Expires June 30, 2022	<i>Central Career Fire Service</i>
Edward S. Tochtermann, Jr. Term Expires June 30, 2021	<i>At-Large Industry Representative</i>
Stacy N. Welch Term Expires June 30, 2022*	<i>Washington-Metro Architect or Engineer</i>

*Second Term — Not eligible for reappointment

**Term Expired — Serving Until Replaced.

FIRE LAWS OF MARYLAND

OFFICE OF THE MARYLAND STATE FIRE MARSHAL

HEADQUARTERS

1201 Reisterstown Road
Pikesville, Maryland 21208
410 653-8980
Toll Free: 800-525-3124
Toll Free: 800-492-7529 (Arson Hotline)
FAX (410) 653-8988
Email: mso.osfm@maryland.gov

Brian S. Geraci, State Fire Marshal
Gregory J. Der, Chief Deputy State Fire Marshal
Kenneth Bush, Chief Fire Protection Engineer
Matthew Stevens, Deputy Chief State Fire Marshal — Administrative Services
Chief
Joseph Walters, Senior Deputy State Fire Marshal — Executive Officer
Dexter Hodges, Senior Deputy State Fire Marshal
Kristen Nieberlien, Senior Deputy State Fire Marshal
Emily Witty — Public Relations and Media Affairs
Pamela Harvey — Administrative Officer
Rosalyn Loney, Office Services Clerk
Allison Nicodemus, Administrative Specialist

NORTHEAST REGIONAL OFFICES— Carroll, Cecil, Harford Counties

Bel Air Multi-Service Center
2 S. Bond Street
Bel Air, Maryland 21014
(410) 836-4844
FAX: (410) 836-4845
Email: msp.osfmnero@maryland.gov

Derek Chapman Deputy Chief State Fire Marshal — Regional Commander

FPE	Harry Bradley
DSFM	Oliver Alkire
DSFM	Zachary Dell
DSFM	Howard Ewing
DSFM	William Pennock
DSFM	Brian Quick
DSFM	Peter Raia
DSFM	Michael Selvage
DSFM	John Yedinak
FSI	William Jiles
SADSFM	Edward Haden
ADMIN SPEC.	Kathleen Parker

District Court/Multi-Service Center

170 East Main Street
Elkton, Maryland 21921
Phone: 410-996-2790
Fax: 410-996-2791

Derek Chapman Deputy Chief State Fire Marshal — Regional Commander

UPPER EASTERN REGION — Caroline, Kent, Queen Anne's, Talbot Counties

301 Bay Street, Lower Level
Easton, Maryland 21601
(410) 822-7609
FAX: (410) 819-0485
Email: msp.osfmuero@maryland.gov

Caryn L. McMahon Deputy Chief State Fire Marshal — Regional Commander

DSFM	Brad Childress
DSFM	Chris Fenzel
DSFM	John Grothe
DSFM	Shayne McKinney
FSI	Martin Keefe
ADMIN SPEC.	Penny Doty

LOWER EASTERN REGION — Dorchester, Wicomico, Worcester Counties

District Court Multi-Service Center
201 Baptist Street, Suite 17
Salisbury, Maryland 21801
(410) 713-3780
FAX (410) 713-3790
Email: msplero@maryland.gov

Joseph Flanagan Deputy Chief State Fire Marshal — Regional Commander

FPE	Amaryllis Linero
DSFM	Cory Hurst
DSFM	Christopher McIntyre
DSFM	Jeffrey C. Thomas
DSFM	Kirby Travers
FSI	Scott Mason
SADSFM	Steven Fowler
ADMIN SPEC.	Linda Bounds

FIRE LAWS OF MARYLAND

SOUTHERN — Calvert, Charles, St. Mary's Counties

Louis L. Goldstein District Court Multi-Service Center
200 Duke Street, Suite 1500
Prince Frederick, Maryland 20678
443-550-6820
FAX (410) 653-6822
Email: msp.osfmsro@maryland.gov

John A. Nelson Deputy Chief State Fire Marshal — Regional Commander

FPE	Derek Murgatroyd
DSFM	Martina Burton
DSFM	Melissa Decker
DSFM	Joshua Matthews
DSFM	Timothy McDowell
DSFM	Brandon Shepperd
FSI	Joseph Faunce
FSI	Michael Matthews
FSI	Shirley Millette
ADMIN SPEC.	Patricia Ward

WESTERN REGION— Allegany, Garrett, Washington Counties

18345 Colonel Henry K. Douglas Drive, Suite 240
Hagerstown, Maryland 21740
(301) 766-3888
FAX (301) 766-3889
Email: msp.osfmwro@maryland.gov

Jason M. Mowbray Deputy Chief State Fire Marshal — Regional Commander

FPE Contractual	Dan Hoang
FPE Contractual	Alfred Iseminger
DSFM	Brandon Beall
DSFM	Edward Ernst
DSFM	Jamie D. Rodeheaver
DSFM	Robert Reed
DSFM	Carl Witmer
FSI	Timothy Dayton
FSI	Joseph Goodrich
ADMIN SPEC.	Heidi Ritchie

ALLEGANY COUNTY (WESTERN)

Maryland State Police Barrack C
11400 Pittsburgh Plate Glass Road SE
Cumberland, Maryland 21502
Phone 301-729-5540

Jason M. Mowbray Deputy Chief State Fire Marshal — Regional Commander

GARRETT COUNTY (WESTERN)

Garrett County Public Safety Center
67 Friendsville Road
McHenry, Maryland 21541
(301) 387-0437
FAX (301) 387-0438

Jason M. Mowbray Deputy Chief State Fire Marshal — Regional Commander

BOMB SQUAD UNIT

P.O. Box 436
Linthicum, Maryland 21090
(410) 859-7152
FAX: 410-859-7924
Email: msp.ofsbs@maryland.gov

Duane Svites Deputy Chief State Fire Marshal — Regional Commander

DSFM	Dale A. Ednock
DSFM	William Potts
DSFM	Michael Redding
DSFM	Matthew T. Wrenn
ADMIN SPEC.	Mary Bare

ASSISTANT STATE FIRE MARSHALS

ABERDEEN PROVING GROUND

NOT RENEWED FOR 2012

ANNAPOLIS FIRE DEPARTMENT

DAVID L. STOKES, SR.

*ASSISTANT STATE FIRE
MARSHAL*

CAROLL H. SPRIGGS II
DOUGLAS M. REMALEY
JOHN J. BOWES
KELLY L. RUTH
KEVIN J. SIMMONS
RICHARD D. BUTLER
RAYMOND C. AARON
TIMOTHY B. MCDOWELL
MARK A. MADISON
JONAS E. BROOKS

INVESTIGATOR/INSPECTOR
INVESTIGATOR/INSPECTOR
INVESTIGATOR/INSPECTOR
INVESTIGATOR/INSPECTOR
INVESTIGATOR/INSPECTOR
INVESTIGATOR/INSPECTOR
INVESTIGATOR/INSPECTOR
INVESTIGATOR/INSPECTOR
INVESTIGATOR/INSPECTOR
INVESTIGATOR/INSPECTOR

AVERY E. JONES
DANTE J. JACOBELLI
JANET P. KIEFLER
ROYDEN N. POWELL, IV

INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR

ANNE ARUNDEL COUNTY FIRE DEPARTMENT

JOHN LANE

*ASSISTANT STATE FIRE
MARSHAL*

SHAWN JONES
CLIFFORD KOOSER
DONNA MCGUIRE
ALBERT MUDD
STEPHEN STANTON
JOHN BENNETT
JOHN BRAUN
ROBERT GRANT
JOSEPH MONINGHOFF
WILLIAM RAY
SCOTT VLEESCHOUWER
BRADLEY WARD
JUN ZHANG

INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR
INSPECTOR

MICHAEL HALPERN
ROBERT FLYNN
KRISTIAN HALL
JENNIFER MACALLAIR
CHRISTOPHER CATUCCI
JOSEPH HINCH

INVESTIGATOR
INVESTIGATOR
INVESTIGATOR
INVESTIGATOR
INVESTIGATOR
INVESTIGATOR

FIRE LAWS OF MARYLAND

COLIN ORSINI

INVESTIGATOR

BALTIMORE CITY FIRE DEPARTMENT

NILES FORD

*ASSISTANT STATE FIRE
MARSHAL*

KARL ZIMMERMAN

INSPECTOR

DERRICK READY

INSPECTOR

LAWRENCE DZIWULSKI

INSPECTOR

GERALD QUARLES

INSPECTOR

MARV JOHNSON

INSPECTOR

JOSEPH MILLER

INSPECTOR

JOHN EDDINGER

INSPECTOR

ROY REDD

INSPECTOR

KEVIN WILLIAMS

INSPECTOR

KHALILAH YANCEY

INSPECTOR

DENNIS DAWSON

INSPECTOR

ANDREA JACOBS

INSPECTOR

DOMONIQUE PRYOR

INSPECTOR

JOHNNIE BOOKER

INSPECTOR

RICHARD BOBLITZ

INSPECTOR

MICHAEL KAISLER

INSPECTOR

DARYL MARCISZEWSKI

INSPECTOR

JEFFREY HOLMAN

INSPECTOR

ALLEN JONES

INSPECTOR

BERNARD LEWIS

INSPECTOR

SHANA HAUGHTON

INSPECTOR

MICHAEL HINELINE

INSPECTOR

DEL HOLMES

INSPECTOR

NATARSHA BANKS

INSPECTOR

EUGENE MCCULLOUGH

INSPECTOR

RODNEY HOLLOMAN

INSPECTOR

TYRAN DUKES

INSPECTOR

TIAA GARNER

INSPECTOR

ERICA WILSON

INSPECTOR

JOSEPH ASTASAUSKAS

INVESTIGATOR

HEATHER CATE

INVESTIGATOR

RONALD FLYNN

INVESTIGATOR

EDWARD HALL

INVESTIGATOR

WILLIAM JASPER

INVESTIGATOR

MICHAEL ROTH

INVESTIGATOR

STEPHAN G. GIBSON, SR.

INVESTIGATOR

DERRICK L. READY

INVESTIGATOR

MICHAEL ROTH

INVESTIGATOR

TOWSON QUEENSTOWN

MICHAEL L. SAVAGE

INSPECTOR

FIRE LAWS OF MARYLAND

CITY OF COLLEGE PARK

ROBERT W. RYAN

*ASSISTANT STATE FIRE
MARSHAL*

KEELAH ALLEN-SMITH

INSPECTOR

GILBERTO CABRERA

INSPECTOR

ROBERT L. COFSKE

INSPECTOR

JOHN D. DAVES

INSPECTOR

JOYCE DENT-SCHULER

INSPECTOR

CHARLES H. READING

INSPECTOR

CITY OF CUMBERLAND

DONALD J. DUNN

*ASSISTANT STATE FIRE
MARSHAL*

WILLIAM S. ADAMS

INSPECTOR/INVESTIGATOR

ROBERT S. LONG

INSPECTOR/INVESTIGATOR

CHRISTOPHER A. RATLIFF

INSPECTOR/INVESTIGATOR

DEPT. OF HEALTH & MENTAL HYGIENE

DAVID WILLIAMS

INSPECTOR

CLAYTON MYERES

INSPECTOR

WILLIAM ROUTSON

INSPECTOR

STUART SCHLOTTERBECK

INSPECTOR

CITY OF FREDERICK

RON EURY

INSPECTOR

STEVEN G. KRONE

INSPECTOR

FREDERICK CO. FIRE & RESCUE SERVICES

MICHAEL P. DMUCHOWSKI

*ASSISTANT STATE FIRE
MARSHAL*

CHARLES H. GREEN

INVESTIGATOR/INSPECTOR

JOHN R. HAHN

INVESTIGATOR/INSPECTOR

STEVEN W. LEATHERMAN

INVESTIGATOR/INSPECTOR

MICHAEL T. REDDING

INVESTIGATOR/INSPECTOR

GENE LEROUX

INSPECTOR

BRYON MITCHELL

INSPECTOR

RICHARD RIDGELL

INSPECTOR

CHARITY RINKER

INSPECTOR

JOSEPH H. SKINNER

INSPECTOR

CITY OF GAITHERSBURG

IVAN J. HUMBERSON

*ASSISTANT STATE FIRE
MARSHAL*

W. WESLEY BURNETTE

INSPECTOR

FIRE LAWS OF MARYLAND

MATTHEW I. CHIBBARO INSPECTOR
MATTHEW KELLEHER INSPECTOR

HAGERSTOWN FIRE DEPARTMENT

*DOUGLAS P. DEHAVEN ASSISTANT STATE FIRE
MARSHAL*

GLENN D. FISHACK INSPECTOR/INVESTIGATOR
JOHN R. CRIST INSPECTOR/INVESTIGATOR

HOWARD COUNTY DEPT. OF FIRE & RESCUE

*CHIEF CHRISTINE M. UHLHORN ASSISTANT STATE FIRE
MARSHAL*

STEPHEN ALLEN, SR. INSPECTOR/INVESTIGATOR
CHARLES H. RIDGELY IV INSPECTOR/INVESTIGATOR
CALTON N. SAUNDERS INSPECTOR/INVESTIGATOR
DEAN MULVHILL INSPECTOR/INVESTIGATOR
SCOTT CHAPMAN INSPECTOR/INVESTIGATOR
KEVIN S. FRIZZELL INSPECTOR/INVESTIGATOR
DANIEL G. MERSON INSPECTOR/INVESTIGATOR

DANIEL YOUNG INVESTIGATOR

MICHAEL TRIMPER INSPECTOR
DONALD J. MYERS INSPECTOR
BRUCE BENNETT INSPECTOR
CHARLES BROWN INSPECTOR
NEIL MYERS INSPECTOR
ERIC RANDALL INSPECTOR
TERIN HOPKINS INSPECTOR
ROBERT ROBEY INSPECTOR
GILBERT PAIGE INSPECTOR
CLYDE KEASER INSPECTOR
CRAIG MATTHEWS INSPECTOR
MICHAEL WALKER INSPECTOR
ROBERT FERGUSON INSPECTOR

TOWN OF LAPLATA

JAMES Q. YATES INSPECTOR

CITY OF LAUREL

*DAVID E. COPE ASSISTANT STATE FIRE
MARSHAL*

RICHARD BLANKENSHIP INSPECTOR
JOHN K. CHENAULT INSPECTOR
MELANIE A. WIERINGA INSPECTOR

FIRE LAWS OF MARYLAND

MARYLAND AVIATION ADMINISTRATION

STEVEN HESS

*ASSISTANT STATE FIRE
MARSHAL*

RICHARD ARVIN

INSPECTOR

WARREN BUSCEMI

INSPECTOR

CURTIS CONTEE

INSPECTOR

BENJAMIN DILWORTH

INSPECTOR

JOHN HURLEY

INSPECTOR

WILLIAM GARRETT

INSPECTOR

MICHAEL JARBOE

INSPECTOR

TODD KIRKPATRICK

INSPECTOR

CHRISTOPHER POWELL

INSPECTOR

WAYNE PYLE

INSPECTOR

WILLIAM SMITH

INSPECTOR

TRACY SOFIELD

INSPECTOR

JOHN TALTAVULL

INSPECTOR

TIM THOMPSON

INSPECTOR

JEFFERY WEER

INSPECTOR

FRANK WHITFIELD

INSPECTOR

EDWARD YINGLING

INSPECTOR

MONTGOMERY COUNTY FIRE & RESCUE

HEMAL MUSTAFA

*ASSISTANT STATE FIRE
MARSHAL*

SCOTT GOLDSTEIN

INVESTIGATOR/INSPECTOR

RICHARD MERCK

INVESTIGATOR/INSPECTOR

JOHN KINSLEY

INVESTIGATOR

DAVID STECKEL

INVESTIGATOR

MAURICE WITT

INVESTIGATOR

DANIEL OGREN

INVESTIGATOR

DOUGLAS HINKLE

INVESTIGATOR

JOEL SHACKETT

INVESTIGATOR

TIMOTHY FERGUSON

INVESTIGATOR

DON MANDERVILLE

INVESTIGATOR

ANDY GETTIG

INVESTIGATOR

LAURENCE SEIPP

INVESTIGATOR

MATTHEW TRIVETT

INVESTIGATOR

MATTHEW CARRIGAN

INSPECTOR

JOHN R. FEISSNER

INSPECTOR

STEPHEN MANN

INSPECTOR

DAVID BORCHARDT

INSPECTOR

MICHAEL SEMELSBERGER

INSPECTOR

RICARDO SHEPHERD

INSPECTOR

CURTIS KENDALL

INSPECTOR

DONNA L. TRUITT

INSPECTOR

FIRE LAWS OF MARYLAND

KATHY L. EVANS	INSPECTOR
MARY E. DAVIS	INSPECTOR
CARL E. YOUNG	INSPECTOR
HECTOR AREIZAGA	INSPECTOR
RODENY COLE	INSPECTOR
JEFFERY HERBERT	INSPECTOR
DONALD GLADDEN	INSPECTOR
R. NEAL HOBBS	INSPECTOR
RICHARD MERCK	INSPECTOR
S. MARIE LABAW	INSPECTOR
TYLER MOSMAN	INSPECTOR
PASTORA WARNICK	INSPECTOR
CHRISTOPHER KOCK	INSPECTOR
HADI MANSOURI	INSPECTOR
PHIL WACLAWSKI	INSPECTOR
HEMAL MUSTAFA	INSPECTOR
JOSEPH E. FELTON	INSPECTOR
THOMAS GIRONDA	INSPECTOR
MICHAEL POKORNY	INSPECTOR
THOMAS HEIDERER	INSPECTOR
MELVIN J. STANBROUGH	INSPECTOR
MICHAEL HANYOK	INSPECTOR
GEORGE DONAHUE	INSPECTOR
MICHAEL LOVELESS	INSPECTOR
MICHAEL MARCHESANI	INSPECTOR
TIM NICHOLSON	INSPECTOR
GLENN SENGSTACK	INSPECTOR
R. NEAL HOBBS	INSPECTOR
RICHARD MERCK	INSPECTOR
S. MARIE LABAW	INSPECTOR
TYLER MOSMAN	INSPECTOR
PASTORA WARNICK	INSPECTOR
TIMOTHY PITTMAN	INSPECTOR
HADI MANSOURI	INSPECTOR
PHIL WACLAWSKI	INSPECTOR
HEMAL MUSTAFA	INSPECTOR
JOSEPH E. FELTON	INSPECTOR
THOMAS GIRONDA	INSPECTOR
MARK NAUMAN	INSPECTOR
CRYSTAL MADDOX	INSPECTOR
STACY DYER	INSPECTOR
MARIANO F. DE LA PUENTE	INSPECTOR
WASEEM KHAN	INSPECTOR
AARON SMITH	INSPECTOR
ROBABEH RASHIDIFAR	INSPECTOR
TIMOTHY PITTMAN	INSPECTOR
GEORGIOS MARROMMATIS	INSPECTOR

FIRE LAWS OF MARYLAND

CHI WONG	INSPECTOR
KEVIN EMBREY	INSPECTOR
VICTOR TILLES	INSPECTOR
MARK RICHTER	INSPECTOR
PETER WEBER	INSPECTOR
DONALD MINOR	INSPECTOR
DOUG DYER	INSPECTOR
EDWARD GOTTHARDT	INSPECTOR
TOMMY FLIPPO	INSPECTOR
KENNETH HORAK	INSPECTOR
KEVIN SUMMERS	INSPECTOR
THOMAS SAABELHAUS	INSPECTOR
CHRISTOPHER ALLEN	INSPECTOR

MORGAN STATE UNIVERSITY

<i>CHRISTOPHER EVANS</i>	<i>ASSISTANT STATE FIRE MARSHAL</i>
--------------------------	---

TOWN OF OCEAN CITY

<i>DAVID W. HARTLEY</i>	<i>ASSISTANT STATE FIRE MARSHAL</i>
-------------------------	---

JOSH BUNTING	INSPECTOR/INVESTIGATOR
TIM PRICE	INSPECTOR/INVESTIGATOR
JOSEPH E. SEXAUER	INSPECTOR/INVESTIGATOR
CLIFFORD A. CRISTELLO, JR.	INSPECTOR/INVESTIGATOR
RYAN L. WHITTINGTON	INSPECTOR/INVESTIGATOR

PRINCE GEORGE'S COUNTY FIRE/EMS DEPT.

<i>TIFFANY GREEN</i>	<i>ASSISTANT STATE FIRE MARSHAL</i>
----------------------	---

JOHN BAIONE	INVESTIGATOR
STEPHANIE BUNCE	INVESTIGATOR
LEONARD COLLINS	INVESTIGATOR
CHARLES LISKO	INVESTIGATOR
ANDREW CUMMINGS	INVESTIGATOR
BRANDON GOFF	INVESTIGATOR
KRISTERPHER JONES	INVESTIGATOR
BINOKHAR HARRIS	INVESTIGATOR
BRANDON M. GOFF	INVESTIGATOR/INSPECTOR
WAYNE A. CROSBY	INVESTIGATOR/INSPECTOR
BRIAN S. RADINSKY	INVESTIGATOR/INSPECTOR

BALTIMORE COUNTY FIRE DEPARTMENT

<i>JOANNE RUND</i>	<i>ASSISTANT STATE FIRE MARSHAL</i>
--------------------	---

DON MUDDIMAN	INSPECTOR
--------------	-----------

FIRE LAWS OF MARYLAND

DAVID BLENMAN	INSPECTOR
TANIKA PAXTON	INSPECTOR
EDAWRD OCHAB	INSPECTOR
BRENT LEWIS	INSPECTOR
DEWAYNE JACKSON	INSPECTOR
TIMOTHY TRIBBLE	INSPECTOR
SARAH ROSE	INSPECTOR
JAMES PARTRIDGE	INSPECTOR
GARY LOGAN	INSPECTOR
ANNA GREENWALT	INSPECTOR
JOHN BRYAN	INSPECTOR
DEREK CHASTAIN	INSPECTOR
SHAJAHAN JAGTIANI	INVESTIGATOR
JENNIFER M. LAWHORNE	INVESTIGATOR
JAMES REILLY	INSPECTOR
HARVEY POWELL	INSPECTOR
ANTONIO COLE	INSPECTOR
CHINETTE ROOTS	INSPECTOR
CHRISTOPHER HARRISON	INSPECTOR
WILLIAM GRESSEN	INSPECTOR
DANIEL JONES	INSPECTOR
TAVON SCOTT	INSPECTOR
BEHDAD KASHANIAN	INSPECTOR
JOSEPH BUSBY	INSPECTOR
DARRELL TERRY	INSPECTOR
ISHOLA FAMUDITMI	INSPECTOR
MICHAEL KARHUMAA	INSPECTOR
CHARLES REDDING	INSPECTOR
BILL SUITT	INSPECTOR
SYLVESTER COLBERT	INSPECTOR
THOMAS JENKINS	INSPECTOR

QUEEN ANNE'S COUNTY DEPT. OF EMERG.

JOHN T. LANE *FIRE MARSHAL*

WILLIAM NOVOSEL	INSPECTOR
GREGORY C. JOHNSTON	INSPECTOR
ROBERT W. NEDY	INSPECTOR
EDWARD J. STONER	INSPECTOR

CITY OF ROCKVILLE

TIMOTHY DIEHL *ASSISTANT STATE FIRE MARSHAL*

CHARLES BARTLETT	INSPECTOR
CARL YOUNG	INSPECTOR
CHARLES BIGGUS	INSPECTOR

FIRE LAWS OF MARYLAND

TOWSON UNIVERSITY

LAWRENCE S. HOLBROOK	INSPECTOR/INVESTIGATOR
GREGORY N. WOOD	INSPECTOR/INVESTIGATOR
PAUL W. PARRISH	INSPECTOR/INVESTIGATOR

UNIVERSITY OF MARYLAND-BALTO. COUNTY

ANDREW ROBERTS	INSPECTOR
----------------	-----------

UNIVERSITY OF MARYLAND

<i>ALAN H. SACTOR</i>	<i>ASSISTANT STATE FIRE MARSHAL</i>
LUISA C. FERREIRA	INVESTIGATOR/INSPECTOR
WILLIAM F. GUFFEY	INVESTIGATOR/INSPECTOR
MATTHEW A. HICKS	INVESTIGATOR/INSPECTOR
JAMES M. BASHORE	INVESTIGATOR/INSPECTOR
JEFFREY SHIREY	INVESTIGATOR/INSPECTOR
KEITH S. LIPPINCOTT	INSPECTOR
JOHN BECK	INSPECTOR
STEVEN TOTH	INSPECTOR
SEAN EAMES	INSPECTOR
MICHAEL LEVY	INSPECTOR
DERRICK J. JOHNSON	INSPECTOR
TIMOTHY MCDONAL	INSPECTOR

WICIMICO CO. FIRE PROT. DIVISION

<i>KEVIN A. WRIGHT</i>	<i>ASSISTANT STATE FIRE MARSHAL</i>
------------------------	---

SKIP SNYDER	INSPECTOR
-------------	-----------

WORCESTER COUNTY

<i>JEFFREY A. MCMAHON</i>	<i>ASSISTANT STATE FIRE MARSHAL</i>
MATTHEW W. OWENS	INSPECTOR/INVESTIGATOR
RODNEY K. SHARPLEY, SR.	INSPECTOR/INVESTIGATOR
ROBERT D. KORB, JR.	INSPECTOR/INVESTIGATOR
RICHARD MAUK	INSPECTOR/INVESTIGATOR
CHRISTOPHER VIEIRA	INSPECTOR/INVESTIGATOR

Table of Contents

	PAGE
Tables of Comparable Sections	xxix
Sections Affected by 2017 Legislation	lxvii
Sections Affected by 2018 Legislation	lxix
Sections Affected by 2019 Legislation	lxxi
—————	
Article 16A. Maryland Emergency Management Agency [Repealed and Transferred], §§ 2 to 4, 6 to 8, 10, 37 to 39	1
Article 23A. Corporations — Municipal, §§ 2, 6, 8C	3
Article 24. Political Subdivisions — Miscellaneous Provisions, § 5-101	4
Article 25. County Commissioners, §§ 2, 11, 219, 236D	5
Article 27. Crimes and Punishments, §§ 6 to 9B, 10A, 11, 11D, 119, 125A, 139A to 139C, 151A, 151C, 156 to 156E, 233A, 236, 261E, 416, 470A, 555B, 557, 557B, 594B to 594B-2, 729A.....	6
Article 38A. Fires and Investigations [Repealed]	12
Article 41. Governor — Executive and Administrative Departments, §§ 2-201 to 2-204, 4-1001, 4-1002, 18-101 to 18-108, 18-201, 18-204	18
Article 48. Inspections, §§ 170, 181 to 183.....	21
Article 48A. Insurance Code [Repealed]	22
Article 64A. Merit System [Repealed].....	23
Article 83B. Department of Housing and Community Development, §§ 6-401 to 6-406, 6-501 to 6-505	24
Article 87. Sheriffs, §§ 49 to 54.....	26
Article 88B. Department of State Police, §§ 1, 30A	27
Article 89. Miscellaneous Business, Work, and Safety Provisions, §§ 49B, 49C.....	28
Business Regulation, §§ 4-319, 6-101, 6-102, 6-304, 6-402, 6-405, 6-406, 6-407, 6-5A-02, 6-603, 6-619, 6-620, 16-601 to 16-610, 17-1804	29
Commercial Law, §§ 13-308, 13-313, 14-1309, 14-1310	51
Corporations and Associations, §§ 1-203.1, 5-201 to 5-208, 5-701, 5-702	55
Courts and Judicial Proceedings, §§ 1-605, 2-608, 3-801, 3-828, 3-1101 to 3-1108, 3-1201 to 3-1207, 5-110, 5-309, 5-309.1, 5-309.3, 5-310, 5-312 to 5-314, 5-327, 5-330, 5-357, 5-399.5, 5-406, 5-407, 5-409, 5-524, 5-603 to 5-606, 5-608, 5-611, 5-617, 5-639, 5-641, 6-406, 7-301, 7-302, 10-402, 10-406, 11-105.....	62
Criminal Law, §§ 3-101 to 3-104, 4-501 to 4-503, 6-101 to 6-111, 8-520, 9-504, 9-505, 9-602 to 9-611, 10-301 to 10-308, 12-101, 12-106, 12-108	124
Criminal Procedure, §§ 1-203, 2-101, 2-102, 2-104, 2-104.1, 2-201 to 205, 2-207 to 209, 4-101, 13-301	167

TABLE OF CONTENTS

Education, §§ 7-408, 7-408.1, 7-425, 11-501 to 11-503, 13-103, 13-302, 13-304, 13-501 to 13-517, 18-101, 18-103, 18-601 to 18-605, 26-104	221
Environment, §§ 3-401, 4-601, 6-501, 6-1201 to 6-1205, 7-201, 7-229, 7-232, 7-240, 7-256.1, 7-266, 7-266.1, 9-663, 9-699	269
Family Law, § 10-219	289
General Provisions, § 7-410	290
Health-General, §§ 5-310, 5-607 to 5-609, 10-628, 10-807, 15-114.1, 18-213 to 18-213.2, 18-336, 18-338.1, 18-338.3, 18-701 to 18-711, 18-901 to 18-908, 19-130, 19-328, 21-301, 22-401 to 22-407	291
Health Occupations, §§ 14-303, 14-305, 14-505, 14-508, 14-509, 14-606	339
Insurance, §§ 17-208, 19-105, 19-301 to 19-309	343
Labor and Employment, §§ 3-101, 3-104, 3-201, 3-203, 3-206, 3-211, 3-703, 5-102, 5-401 to 5-410, 5-601, 9-202, 9-207, 9-217, 9-231, 9-231.1, 9-232, 9-232.1, 9-234, 9-402, 9-503, 9-602, 9-628 to 9-630	348
Local Government, §§ 1-708, 1-901, 1-1308, 5-102, 5-201 to 5-218, 12-504, 12-508, 12-530, 12-806, 12-903, 13-202, 18-301	395
Natural Resources, §§ 5-701 to 5-714, 5-720, 5-9A-05, 8-707, 8-712, 8-716, 8-727.1	432
Public Safety, §§ 1-201, 1-202, 1-301 to 1-315, 1-501 to 1-503, 2-101, 2-201, 2-207, 3-103, 6-201 to 6-207, 6-301 to 6-322, 6-401 to 6-403, 6-501 to 6-503, 6-601, 6-602, 7-101 to 7-107, 7-201 to 7-205, 7-301 to 7-304, 7-401 to 7-403, 8-101 to 8-106, 8-201 to 8-209, 9-101 to 9-109, 9-201 to 9-206, 9-301 to 9-306, 9-401 to 9-405, 9-501 to 9-506, 9-601 to 9-606, 9-701, 9-702, 9-801 to 9-805, 9-901 to 9-905, 9-1001, 10-101 to 10-113, 10-201 to 10-210, 11-101 to 11-118, 11-201 to 11-206, 12-501 to 12-510, 12-601 to 12-616, 12-701 to 12-705, 12-801 to 12-842, 12-1001 to 12-1007, 12-1101 to 12-1106, 14-101 to 14-115, 14-3A-01 to 14-3A-08, 14-801 to 14-803	451
Real Property, §§ 8-112, 8-113, 10-702	656
State Finance and Procurement, §§ 4-316, 4-504, 7-118	663
State Government, §§ 2-10A-13, 2-1220, 2-1702, 9-2501 to 9-2509, 13-409	667
State Personnel and Pensions, §§ 8-201, 8-202, 23-501	674
Tax-General, §§ 2-1103, 2-1302.2, 2-1303, 4-103, 4-104, 9-201, 9-301, 9-305, 9-306, 10-102, 10-104, 10-207, 10-208, 10-213, 10-304, 10-818, 11-204, 11-206, 13-901	676
Tax-Property, §§ 7-209, 9-210	731

TABLE OF CONTENTS

Transportation, §§ 2-110, 3-202, 3-215 to 3-217, 7-208, 7-506, 8-613.3, 11-109.1, 11-118, 11-119, 11-123, 12-113, 13-810, 13-903, 13-914, 13-954, 13-955, 16-102, 16-118, 16-119, 17-107, 19-103, 21-106, 21-107, 21-206, 21-405, 21-510, 21-1003, 21-1109, 21-1110, 21-1120, 21-1124, 21-1124.2, 21-1408, 22-105, 22-217, 22-218, 22-227, 22-401, 22-404.1, 22-404.3 to 22-404.5, 22-412.4, 22-414, 22-414.1, 22-604, 23-206.1, 25-102, 27-101, 27-101.2, 27-105 734

RULES AND REGULATIONS

Title 13B, Subtitle 03.

Chapter 01. Certification Standards and Procedures for
Emergency Services Instructors 798

Title 29, Subtitle 06.

Chapter 01. Fire Prevention Code 811
Chapter 02. Procedural Regulations 842
Chapter 03. Approval of Testing Laboratories 844
Chapter 04. Fees for Fire Prevention Services 844
Chapter 05. Fire Sprinkler Contractor Licensing Regulations 852
Chapter 06. Fresh Cut and Live Tree Fire Safety Regulations
[Repealed] 862
Chapter 07. Ground-Based Sparkling Devices 862

Title 29, Subtitle 07.

Chapter 01. Nongovernmental Electrical Inspectors 867

Title 29, Subtitle 08.

Chapter 01. Covert Investigations and Criminal Intelligence 868

INDEX I-1

Tables of Comparable Sections

Editor’s note. — The following tables reflect the enactment of the Public Safety Article by ch. 5, Acts 2003.

“Maryland Code” includes amendments. See Article 1, § 21.

“Deleted” means the statute is completely deleted and not replaced in any of the revised articles.

“Repealed” means the statute was previously deleted by the legislature in the year indicated. (Reference in parentheses is to explanation contained in Revisor’s Note (RN) or General Revisor’s Note (GRN) following section or title indicated.)

Legend

- AG: Agriculture Article
 - BOP: Business Occupations and Professions Article
 - BR: Business Regulation Article
 - CL: Commercial Law Article
 - CA: Corporations and Associations Article
 - CS: Correctional Services Article
 - CJ: Courts and Judicial Proceedings Article
 - CR: Criminal Law Article
 - CP: Criminal Procedure Article
 - ED: Education Article
 - EL: Election Law Article
 - EN: Environment Article
 - ET: Estates and Trusts Article
 - FL: Family Law Article
 - FI: Financial Institutions Article
 - HG: Health-General Article
 - HO: Health Occupations Article
 - IN: Insurance Article
 - LE: Labor and Employment Article
 - LG: Local Government
 - NR: Natural Resources Article
 - PS: Public Safety Article
 - PUC: Public Utility Companies Article
 - RP: Real Property Article
 - SF: State Finance and Procurement Article
 - SG: State Government Article
 - SPP: State Personnel and Pensions Article
 - TG: Tax-General Article
 - TP: Tax-Property Article
 - TR: Transportation Article
-

COMPARABLE SECTIONS FOR FORMER PROVISIONS AND REVISED PROVISIONS

Table I

Former Provision to Revised Provision

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
16A 1	PS	16A 3 (intro.	
2		14-102 lang.)	14-101(a)

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
16A 3(a)	PS 14-101(d)	16A 14(f)	PS 14-201(b)
3(b)	PS 14-101(e)	15(a)	14-203(a), 14-204(a)
3(c)	14-101(g)		14-204(b)
3(d)	14-101(c)	15(b)	14-205
4(a)(1)	14-103	16	14-208(a)
4(a)(2)(i)	14-104(a), (d)(1)	17(a)	14-218(a), (d)
4(a)(2)(ii)	14-104(b), (c)(1)	17(b)	14-208(b)
4(a)(2)(iii)	14-104(c)(1)	17(c)	14-208(c)
4(b)(1)	14-104(c)(2), (e)	17(d)	14-208(d)
4(b)(2)	14-104(f)	17(e)	14-209
4(c)	14-104(d)(2), (3), (5)	18	14-210
4(d)	14-110(a)	19	14-211
5(a)	14-105(a), (b)	20	14-207(a)
5(b)	14-105(c), (d)	21	14-212(a)
6	14-106	22(a)	14-212(b)
6A(a)	14-107(a)	22(b)	14-218(b), (d)
6A(b)	14-107(a), (b)	22(c)	14-213(a)
6A(c)	14-107(d)	23(a)	14-218(c), (d)
6B	14-107(c)	23(b)	14-213(b)
6C	14-111	23(c)	14-214(a)
6D	14-108	24(a)	14-214(b)
7(a)(1)	14-109(a), (b), (c)	24(b)	14-214(c)
7(a)(2)	14-110(b)	24(c)	14-215
7(b), (c)	14-109(c)	25	14-216(a)
8	14-104(d)(4)	26(a)	14-216(b)
9(a)	14-109(d)	26(b)	14-216(c)
9(b)	14-112(d)(1)	26(c)	14-216(d)
9(c)	14-112(d)(2)	26(d)	14-217(a), (b)
9(d)	14-112(b)	27	14-206(a)
9(e)	14-112(a)	28	14-207(b)
10	14-112(c)	29	14-206(b)
11	Deleted (See GRN to subtitle)	30	Deleted (See GRN to subtitle)
12	14-113	31	14-402
12A	14-114	32	14-403
13	14-202	33	14-404
14(a)	14-201(c)	34	14-405
14(b)	14-201(d)	35	14-406
14(c)	14-201(c), (d), 14-203(b)	36	14-801(a)
14(d)	14-207(a), (b), 14-208(a), (c), 14-209, 14-211, 14-213(a), 14-214(a), (b), 14-216(a), 14-217(a)	37(a)	14-801(b)
		37(b)	14-801(c)
		37(c)	14-801(d)
		37(d)	14-801(e)
		37(e)	14-802
		38	14-803
		39	3-401(a)
		23 256(a)	3-401(c)
		256(b)	3-403
		256(c)	3-401(b)
		256(d)	3-401(d)
		256(e)	3-402
		257(a)	3-404
		257(b)	3-405
		258(a), (b)	3-411
		258(c)	
14(e)	Deleted (See RN, § 14-201(d))		

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
23 259	PS 3-408	27 11D(a)	PS 6-602(a), 7-402(a)
260(a)	3-406(a)		6-602(b)
260(b)	3-406(b)	11D(b)	6-602(c), 7-402(b)
260(c)	3-407	11D(c)(1)	6-602(d), 7-402(c)
261	3-413		6-602(e), 7-402(d)
262	3-409	11D(c)(2)	3-501
263	PS 3-410		5-304(a)
264	3-412	11D(d)	5-306(a)(1)
265	3-414		5-306(a)(2)
266	3-415	36C-1	5-306(b)
331	13-201(a)	36E(a)	5-306(a)(3)
23A 6(a)(1)	9-701(a), (b)	36E(a)(1)	5-306(a)(4)
6(a)(2)	9-701(c)	36E(a)(2)	5-306(a)(5)(i)
6(b)(1)(i)	9-702(a)	36E(a)(3)	5-306(a)(5)(ii)
6(b)(1)(ii)	Deleted (See RN, § 9-702)	36E(a)(4)	5-304(b)
	9-702(b)(2)	36E(a)(5)	5-304(b)
6(b)(1)(iii)	9-702(b)(2)	36E(a)(6)	5-304(b)
6(b)(1)(iv)	9-702(a)	36E(b)(1)(i)	5-304(b)
6(b)(2)	9-702(b)(1)(ii)	36E(b)(1)(ii)	5-304(e)
6(b)(3)	9-702(b)(2)	36E(b)(1)(iii)	5-304(d)
6(b)(4)	9-702(c)(1)	36E(b)(2)	5-305
6(b)(5)(i)	9-702(d)(1)	36E(c)	5-309
6(b)(5)(ii)	9-702(d)(2)	36E(d)	5-304(c), 5-307(b)
6(b)(6)	9-702(d)(3)(ii)	36E(e)	5-307(a), 5-308
6(b)(7)(i)	9-702(d)(4)		5-310, 5-313
6(b)(7)(ii)	9-702(c)(2)(ii)	36E(f)	5-311
6(b)(8)	9-702(c)(3)		5-302
24 5-101(a)	9-702(a)	36E(g)	5-312(a)(1), (b) to (d)
5-101(b), (c)	Deleted (See RN, § 9-702)	36E(h)	5-312(e)
	9-702(b)(2)	36E(i)(1)	5-312(a)(2)
5-101(d)	9-702(a)	36E(i)(2)	Deleted (See GRN to subtitle)
5-101(e)	9-702(b)(1)(i)		Deleted (See GRN to subtitle)
5-102	9-702(b)(2)	36E(i)(3)	5-301(e)
5-103	9-702(c)(1)	36E(i)(4)	5-301(a), 5-401(a)
5-104	9-702(d)(1)	36E(j)	5-301(c), 5-401(c)
5-105(a)	9-702(d)(2)		5-401(d)
5-105(b)	9-702(d)(3)(i)	36E(k)	5-401(e)
5-106	9-702(d)(4)		5-401(b)
5-107(a)	9-702(c)(2)(i)		5-406(a)(1)
5-107(b)	9-702(c)(3)	36E(l)	5-406(a)(2)
5-108	8-301(b), 8-303	36F(a)	5-406(a)(3)
25 3(a)(1)	8-301(b)		5-406(b)
	8-302	36F(b)	5-403
3(w)	8-303	36F(h)	5-402(a)
3(w-1)	9-701(a)	36F(j)	5-406(c)
3(gg)	to (d)	36F(l)	5-402(b)
11(a)	9-701(e)	36-I(a)	5-404(a)
	7-210	36-I(b)	5-404(b)(1),
11(b)	7-208	36-I(c)	
13A	7-212	36-I(d)	
13B	7-211	36-I(e)	
13C	7-209(b)	36-I(f)	
13D	7-209(c)(1)	36-I(g)	
32.5(a)	7-209(c)(2)	36-I(h)	
32.5(b)	7-209(d)	36J(a)(1)	
32.5(c)	7-213	36J(a)(2)	
32.5(d)			
32.6			

TABLES OF COMPARABLE SECTIONS

Former Provision Art. Sec.	Revised Provision Art.	Former Provision Art. Sec.	Revised Provision Art. Sec.
27	PS	27 441(p)	PS 5-134(d)(1)(ii)
36J(a)(3)		441(q)	Deleted
36J(a)(3)(i)	5-404(b)(2)		(See RN,
36J(a)(3)(ii)	5-404(b)(3)(i)		§ 5-101(t))
36J(a)(3)(iii)	5-404(b)(3)(ii)	441(r)	5-101(p)
36J(a)(3)(iv)	5-404(b)(3)(iii)	441(s)	5-101(e)
36J(a)(3)(v)	PS 5-404(b)(3)(iv)	441(t)	PS 5-101(q)
36J(a)(3)(vi)	5-404(b)(3)(v)	441(u)	5-101(r)
36J(a)(3)(vii)	5-404(b)(3)(vi)	441(v)	5-101(s)
36J(a)(4)	5-404(d)	441(w)	5-101(t)
36J(a)(5)	5-404(e)	441A	5-102
36J(b)(1)	5-405(a)(1)	442(a)	5-104
36J(b)(2), (3)	5-405(b)	442(b)	5-136
36J(b)(4)(i)	5-405(a)(2)	442(c)	5-123(a)
36J(b)(4)(ii)	5-405(a)(3)	442(d)(1)	5-124(a)(1)
36J(c)(1)	5-405(c)(1)	442(d)(2)	5-124(a)(2)
36J(c)(2)	5-405(c)(2)	442(d)(3)	5-124(b)
36J(d)(1)	5-405(c)(4)	442(e)	5-120(a),
36J(d)(2)	5-405(c)(3)		(b)
36J(e)	5-405(d)	442(f)(1)	5-101(i),
36J(f)(1)(i)	5-405(e)(1)		5-118(a)(2)
36J(f)(1)(ii)	5-405(e)(2)	442(f)(2)	5-120(c)(1)
36J(f)(2)	5-405(e)(3)(i)	442(f)(3)	5-120(c)(2)
36J(f)(3)	5-405(e)(3)(ii)	442(g)	5-118(c)
36J(f)(4)	5-405(e)(3)(iii)	442(h)(1)	5-118(b)(1),
36J(f)(5)	5-405(e)(4)		(d)
36J(f)(6)	5-405(f)	442(h)(2)	5-118(b)(3)
120C	12-701	442(h)(2)(i)1	
268B	Parts Transferred to CR § 4-108, NR § 10-411 (See GRN to PS)	to 3	5-101(g)
		442(h)(3)	5-118(b)(2)
		442(h-1)	5-119
		442(i)	5-121,
			5-122
		442(j)	5-125
268C	Transferred to CR § 4-108 (See GRN to PS)	442(k)(1)	5-126(a)
		442(k)(2)	5-126(b),
			5-127
		442(k)(3)	5-126(c)
268D	Transferred to NR § 10-411 (See GRN to PS)	442(l)	5-123(d),
			5-124(e)
		442(m)(1)	5-123(b),
			5-124(c)
440	3-502	442(m)(2)	5-123(c),
			5-124(d)
441(a)	5-101(a)		5-103
441(b)	5-101(l)	442(n)	
441(c)	5-101(b)	442A(a)(1)	5-128(b)
441(d)	5-101(p)	442A(a)(2)	5-128(a)
441(e)	5-101(c)	442A(b)(1)	5-129(a)
441(f)	5-101(d)	442A(b)(2)	5-129(b)(1)
441(g)	5-101(f)	442A(c)	5-129(b)(2)
441(h)	5-101(r)	442A(d)	5-129(c)
441(i)	5-101(h)	442A(e)	5-128(c)
441(j)	5-101(k)	442B(a)	5-131(a)
441(k)	5-130(a)	442B(b)	5-131(b)
441(l)	5-101(l)	442B(c)	5-131(c)(1)
441(m)	5-101(m)	442B(d)	5-131(c)(2)
441(n)	5-101(n)	442B(e)	5-131(d)
441(o)	Deleted (See RN, § 5-101(t))	442B(f)	5-105
		442C	5-132
		443(a)	5-106(a), (b),

TABLES OF COMPARABLE SECTIONS

Former Provision Art. Sec.	Revised Provision Art.	Former Provision Art. Sec.	Revised Provision Art.
27	PS	27 445B	PS
443(b)(1)		446	5-135
443(b)(2)		447	5-138
		447A	5-102
443(b)(3)		448	5-102
		449(a)	5-105
		449(b)	5-134(d)(2)
443(c)		449(c)	5-139
443(d)		449(c)	5-128(d)
443(e)(1)		449(d)	5-129(d)
			5-140,
			5-141
443(e)(2)		449(e)	5-133(c)
443(e)(3)		449(f)	5-143
443(e)(4)		481A	5-204(b)
443(e)(4)(iii)1,		481B	5-204(a),
2, 3			(c)
443(f)		481C(a)(1)	5-201(a)
		481C(a)(2)	5-201(b)
		481C(a)(3)	5-201(d)
443(g)		481C(a)(4)	5-201(c)
443(h)		481C(a)(5)	5-201(e)
443(i)		481C(a)(6)	5-202
		481C(b)	5-203(a)
443(j)		481C(c)(1)	5-203(a)
		481C(c)(2)	5-203(a),
443(j)(2)(i)			(b)
to (iii)		481C(d)	5-203(c)
443(k)		481D	5-205
443(l)		555	3-503
		727(a)	3-101(a)
443A(a)(1)(i)		727(b), (c)	3-101(e)
443A(a)(1)(ii)		727(d)(1)	3-101(d),
443A(a)(1)(iii)			3-107(c)(1),
443A(a)(1)(iv)			(2)
443A(a)(1)(v)		727(d)(2)	3-107(c)(4)
443A(a)(1)(vi)		727(d)(3)	3-111(c)
443A(a)(1)(vii)		727(e)	3-101(c)
443A(a)(2)(i)		727(f)	3-111(b)
443A(a)(2)(ii)		727(g)	3-101(b)
443A(a)(3)		727(h)	3-104(b)
		728(a)	3-103(a)
443A(a)(4)		728(b) (intro.	
443A(a)(5)		lang.)	3-104(a)
443A(b)		728(b)(1)	3-104(f)
443A(c)		728(b)(2)	3-104(g)
444		728(b)(3)	3-104(d)(1),
445(a)			(h)(1)
		728(b)(4)	3-104(c)
445(b)		728(b)(5)(i)	3-104(d)(2)
445(b)(1)(i)		728(b)(5)(ii)	
to (iii)		to (iv)	3-104(n)
445(b)(3)		728(b)(6)	3-104(h)(2)
445(b-1)		728(b)(7)(i)	3-104(i)
445(c)(1)		728(b)(7)(ii)	3-104(l),
445(c)(2)			(m)
445(d)		728(b)(8)	3-104(k)
445(d)(1)(i)		728(b)(9)	3-104(e)
to (iii)		728(b)(10)	3-104(j)
445(d)(3)		728(b)(11)	3-103(e)
445(e)		728(b)(12)(i)	3-104(o)
445A			

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
27 728(b)(12)(ii)	PS 3-110	38A	(See RN, § 9-901)
728(b)(13)	3-107(c)(3)		9-902(a)
728(b)(14)	3-104(m)	3(f)(2)	9-902(b)
728(c)	3-102(c)	3(f)(3)	9-903(a)(1)
729	3-103(c)	3(f)(4)	9-903(a)(1)
729A	3-103(b)	3(g)(1)	9-903(a)(2)
730(a)	PS 3-107(a)(1),	3(g)(2)	9-903(b)
	(b)(1), (b)(2),	3(g)(3)	Deleted
	(j)	4(a)	(See RN, § 6-206(e))
730(b)	3-106		6-206(c)
730(c)	3-107(a)(2)	4(b)	6-205(b)
730(d)	3-107(e)(1)	5	6-205(c)
	to (3)	6	6-205(d)
730(e)	3-107(f)	6A	6-301
730(f)	3-107(e)(4)	7(a)(1)	6-302
730(g)	3-107(g)	7(a)(2)	6-305(b)
730(h)	3-107(h)(1)	7(b)	6-304(a)
730(i)	3-107(i)	7(c)(1)(i)	6-304(b),
730(j)(1)	3-107(d)(1)	7(c)(1)(ii)	Parts Trans-
	to (3),		ferred to
	(h)(2)		Session Laws
730(j)(2)	3-107(d)(4),		(See RN, § 6-304)
	(5)		6-304(d)
731(a)	3-108(a),	7(c)(1)(iii)	6-304(c)
	(d)(4)	7(c)(2)	6-303
731(b)	3-108(b)(1)	7(d)	6-306
731(c)	3-108(b)(2),	7A	6-305(a)(1)
	(d)(1) to (3),	8(a)	6-305(c)
	(d)(5)	8(b)	6-305(a)(2)
731(d)	3-108(c)	8(c)	6-307(a)
732	3-109	8(d)	6-307(b)
733	3-103(d)	8(e)(1)	6-307(d)
734	3-105	8(e)(2)	6-307(e)(2),
734A	3-111(a),	8(e)(3)	(3)
	3-112(a)	8(e)(4)	6-307(e)(1)
734A(1)	3-111(b)	8(e)(5)	6-307(c)
734A(2)	3-112(b)	8(f)	6-309
734A(3)	3-112(c)	8(g)(1)	6-310(a)(1), (2),
734B	3-102(a),	8(g)(2)	6-311(a)
	(b)	8(h)	6-311(b)
734C	3-113	8(i)	6-310(b),
734D	3-103(f)	8(j)	(c)
38A 1(a)	6-201,	8(k)	6-312(a)
	6-202(a)(1)	8(l)	6-312(b),
	to (4), (b),	8(m)	6-314(a), (b)
	(c)(1),	8(n)	6-305(e)
	(2), (4), (5),	8(o)	6-313
	(d)	8A	6-308
1(b)	6-204(c)	8B	6-305(d)
2(a)	6-203(a), (b),	8C	9-904
	6-204(b)	9(a)	6-315
2(b)	6-204(a)	9(b)	6-316
2(c)	6-207,	10	6-308
	6-322		6-317(a)
2(d)	6-205(a)		6-318
3(a), (b)	6-206(a)		6-318,
3(c)	6-206(d)		6-319
3(d)	6-206(e)		
3(e)	6-206(b)		
3(f)(1)	Deleted		

TABLES OF COMPARABLE SECTIONS

Former Provision Art. Sec.	Revised Provision Art.	Former Provision Art. Sec.	Revised Provision Art. Sec.
38A 11	PS	6-320	38A 15(g) PS
12		6-321	15(h)
12A(a)(1)		9-102(a)	15(i)
12A(a)(2)		Deleted	15(j)
		(See RN, § 9-102)	15(k)
12A(a)(3)	PS	9-102(b)	
12A(a)(4)		9-102(c)	
12A(b)		9-102(d)	16(a)(1)
12A(c)		9-108	
12A(d)		9-107	16(a)(2)
12A(e)		9-104(b)	16(b)
12A(f)		9-104(c)	16A
12A(g)		9-104(a)(1)	17
12A(h)		9-104(a)(2)	18(a)(1)
12A(i)		9-105(a)	
12A(j)		9-105(b)	
12A(k)		9-106	
12A(l)		9-101(a)	
12A(m)		9-101(b)	
12A(n)		9-103(a)	18(a)(2), (3)
12A(o)		9-103(b)	18(b)
12A(p)		9-103(c)	19(a)
12A(q)		9-103(d)	
12A(r)		9-104(d)	19(b)
12B(a)(1)		9-201(a)	19(c)
12B(a)(2)		9-201(b)	19(d)
12B(a)(3)		9-201(c)	19(e)
12B(a)(4)		9-201(d)	
12B(a)(5)		9-201(e)	
12B(a)(6)		9-201(f)	19(f), (g)
12B(a)(7)		9-201(g)	19(h)
12B(a)(8)(i)		9-201(h)(1)	19A
12B(a)(8)(ii)		9-201(h)(2)	20(a)
12B(a)(8)(iii)		9-201(h)(3)	20(b)
12B(a)(8)(iv), (v)		9-204	20(c), (d)
12B(a)(9)		9-201(i)	20(e)
12B(b)		9-204	21 (intro. lang.)
12B(c)		9-205	
12B(d)		9-202	21(1)
12B(e)		9-203	21(2)
13(a)		6-601, 9-109, 9-206, 9-905	21(3) 21(4) 21(5)
13(b)		6-317(b)	
14(a)		6-501	21(6)
14(b)		6-502	21(7)
14(c)		6-503	21(8)
14A(a)		6-401	22(a) to (d)
14A(b)		6-402	22(e), (f)
14A(c)		6-403	23(a)
14B		6-313	23(b) to (g)
15(a)		10-101(f)	24
15(b)		10-101(b)	25
15(c)		10-101(c)	
15(d)		10-101(j)	
15(e)		10-101(d)	
15(f)		10-101(g)	

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
38A lang.)	PS	11-101(a)	11-118
26(1)		11-101(c)	11-102,
26(2)		Deleted	11-105(c)
		(See RN,	Deleted
		§ 11-101	(See GRN
26(3)		11-101(f)	to subtitle)
26(4)	PS	11-101(b)	7-101(a)
26(5)		11-101(e)	7-101(b)
26(6)		11-101(d)	7-101(c)
27		11-105(a)	7-103(a)
27		11-114(a)	7-103(b)
27A		11-105(a)	7-103(c)
27A		11-114(b)	7-104
27B(a)		11-105(d)(1)	7-105
27B(b)		11-105(a)	7-106
27B(b)		11-115(a)(1)	7-107
27B(c)		11-105(b)(1)	7-102
27B(c)		11-115(a)(2)	7-201
27B(d)(1)		11-105(d)(2),	7-202(a)(1)
		11-115(a)(3)	7-202(b)
27B(d)(2)		11-105(d)(3)	7-202(a)(2)
28(a)		11-106(a),	7-202(c)
		11-107(a), (b)	7-201
28(b)		11-106(a),	7-203(a)(1)
		11-107(a), (b)	7-203(a)(2),
28(c)		11-106(a), (c)	(b)(1)
		11-107(a),	7-203(b)(2)
		(b), (c)(2)	7-203(c)
28(d)		11-106(a),	7-204
		11-107(a),	Deleted
		(b), (c)(1)	(See GRN
28(e)		11-107(e)	to subtitle)
29		11-105(b)(2),	1-202(d)
		11-110(a), (b),	7-205
		11-114(d), (e)	8-101(a)
29A		11-107(d)	Deleted
30		11-112	(See RN,
31		11-114(c)	§ 8-101(e))
31A		11-115(b)	8-101(b)
32(a)		11-111	8-101(c)
32(b)		11-109	8-101(d)
32(c)		11-106(d)	8-101(e)
32(d)		11-104(d)	8-102
33		6-305(f),	8-103
		11-103,	8-104(a)
		11-104(a)(1),	8-104(b)
		(a)(2), (b), (c)	8-104(c)
33A		11-113	8-104(d)
34		11-114(f),	8-105(a)(1)
		(g)	8-105(a)(2)
34A		11-116(a)	8-106
34B		11-116(b)	8-105(b)
34C		11-114(g)	8-201(a)
34D		11-115(c)	8-201(b)
		to (e)	Deleted
34E		11-117	(See RN,
34F		Transferred to	§ 8-201)
		CP § 13-301	8-201(c)
		(See GRN	8-201(e)
		to subtitle)	8-202(a)
		38A 34G	
		35	
		36	
		37(a)(1)	PS
		37(a)(2)	
		37(a)(3)	
		37(b)	
		37(c)	
		37(d)	
		38	
		38A	
		39	
		40	
		41	
		42(a)	
		42(b)	
		42(c)	
		42(d)	
		42(e)	
		42A(a)	
		42A(b)(1)	
		42A(b)(2)	
		42A(b)(3)	
		42A(c), (d)	
		42B	
		43	
		44	
		45	
		45A(a)	
		45A(b)	
		45A(c), (d)	
		45A(e)	
		45A(f)	
		45A(g)	
		45B	
		45C	
		45D(a)	
		45D(b)	
		45D(c)	
		45D(d)	
		45D(e)(1)	
		45D(e)(2)	
		45D(e)(3)	
		45D(f)	
		46(a)(1)	
		46(a)(2)	
		46(a)(3)	
		46(a)(4)	
		46(a)(5)	
		46(b)	

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
38A 46(c)	PS	8-202(b)	38A 54(b)
46(d)(1)		8-202(c)(1)	54(c)
46(d)(2)		8-202(c)(2)	55(a)
46(d)(3)		8-202(d)(1)	55(b)
46(d)(4)		8-202(d)(2)	55(c)
46(e)		8-202(e)	55A(a)
46A	PS	8-204	55A(b)
46B(a)		Deleted	55A(c)
		(See RN,	
		§ 8-205)	
46B(b)		8-205(a)	56(a)
46B(c)(1)		8-205(b)(1)	56(b)
46B(c)(2)		8-205(b)(2)	56(c)
46B(c)(3)		8-205(c)	57(a)
46B(d)		8-205(d)	57(b)
46B(e)		8-205(e)	57(c)
46B(f)		8-205(f)	57(d)
46C		8-203	57(e)
46D		8-208	57(f)
46E		8-206	58(a)
46F(a)		8-207(a)	58(b)
46F(b)		8-207(b)(1)	
46F(c)		8-207(b)(2)	58(c)
46G(a)		8-207(c)	58(d)(1)
46G(b)		8-207(d)	58(d)(2)
46H		8-209	
47(a)		9-303(a)	58(d)(3), (4)
47(b)(1)		9-303(a)	58(e)
47(b)(2)		9-303(b)	58(f)
47(c)		9-304	58(g)
47(d)		9-301(a)	59(a)(1)
47(e)		9-301(b)	59(a)(2)
47(f)		9-302	59(b)
47(g)		9-306	60
47(h)		9-305	61
47(i)		9-301(c)	62
48		9-402	
49 (intro.			63
lang.)		9-401(a)	64
49(1)		9-401(b),	65, 66
		9-403(b)(1)	67
49(1)(i)		9-403(b)(1)(ii)	68
49(1)(ii)		9-403(b)(2)	41 2-101(a)
49(1)(iii)		9-403(b)(1)(i)	2-101(b)
49(2)		9-401(d),	2-101(b)(1)
		9-403(b)(1)(ii)1,	2-101(b)(2)
		2	2-101(b)(3)
49(3)		9-401(c)	
50(a)		9-403(a)	
50(b)		9-404(a)	2-101(b)(4)
50(c)		9-404(b)	2-101(b)(5)
53(a)		Deleted	2-101(c)
		(See RN,	
		§ 9-503)	2-101(c-1)(1)
53(b)		9-503(a),	
		9-504(a)	2-101(c-1)(1)(i)
53(c)		9-503(a)	to (iii)
53A(a)		9-502	2-101(c-1)(2)
53A(b)		9-506(b)	2-101(c-1)(3)
54(a)		9-503(a)	2-101(c-1)(4)
			9-501(b)
			9-503(b)
			9-506(a)
			9-505
			9-501(a)
			9-504(a)
			9-504(b)
			Deleted
			(See RN,
			§ 9-504)
			9-601(a)
			9-601(b)
			9-601(c)
			9-602
			9-604
			9-603
			9-605
			9-606(a)
			9-606(b)
			12-702(c)
			12-702(e)(1),
			(f)
			12-702(e)(2)
			12-702(e)(2)
			12-702(e)(2),
			(3)
			12-702(e)(2)
			12-702(d)
			12-702(b)
			12-702(g)
			12-601(c)
			12-601(b)
			12-602(b)
			12-603
			12-604
			12-605(a),
			(c)
			12-602(a)
			12-607
			12-606
			9-1001
			7-401
			14-302
			14-301(a)
			14-301(c)
			14-303(b)
			Deleted
			(See RN
			to section)
			14-305(c)
			14-306(a)
			14-303(a)
			to (d)
			14-301(b), (c),
			14-304(a), (b)
			14-304(b)
			14-304(c)
			14-304(e)
			14-304(d)

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
41 2-101(c-1)(5)	PS	41 4-201(c)(2)	PS
2-101(d)		4-201(c)(3)	
		4-201(d)(1)	
2-101(e)		to (5)	3-207
		4-201(d)(6)	3-209(a)
2-101(f)		4-201(d)(7)	3-212(a)
2-101(g)	PS	4-201(d)(8)	PS
		4-201(d)(9),	
2-101(h)		(10)	3-206
		4-201(d)(11)	3-208(a)
		4-201(d)(12)	
2-102(a)		to (14)	3-207
2-102(b)		4-201(d)(15)	3-208(a)
2-103		4-201(d)(16)	3-207
2-403		4-201(d-1)(1)	3-208(b)
4-101(a)(1)		4-201(d-1)(2)	3-208(c),
4-101(a)(2)			(d)
4-101(a)(3)		4-201(e)	3-215(c),
4-101(a)(4)			(d)
4-101(a)(5)		4-201(f)	3-215(b)
4-101(b)		4-201(g)(1)	3-212(a)
		4-201(g)(2),	
4-101(c)(1)		(3)	3-212(b)
4-101(c)(2)		4-201(g)(4)	3-212(c)
4-101(c)(3)		4-201(h)(1)	3-210(a)
4-101(c)(4)(i)		4-201(h)(2)(i)	3-210(c)
4-101(c)(4)(ii)		4-201(h)(2)(ii)	3-214(b)
4-101(c)(4)(iii)		4-201(h)(3)	3-210(b)
4-101(d)(1)		4-201(h)(4)	3-214(a)
4-101(d)(2)		4-201(i)	3-211
4-101(e)		4-201(j)(1)	3-216(a)
4-101(f)		4-201(j)(2)	3-216(b)
4-101(g)		4-201(j)(3)	3-217
4-101(h)		4-201(k)	3-209(c)
4-201(a) (intro.		4-201(l)	3-213
lang.)		4-201(m)	3-218(a)
4-201(a)(1)		4-201(n)	3-218(b)
4-201(a)(2)		4-901	3-302,
4-201(a)(3)			3-306(a), (b)
		4-902(a)(1)	3-304(b)(1)(i)
		4-902(a)(2)	3-304(a)
4-201(a)(4)		4-902(a)(3)	3-303(b)
4-201(a)(5)		4-902(a)(4)	3-304(b)(1)(iv),
			(2), (3),
			3-312(b)(2)
4-201(a)(6)		4-902(b)(1)	3-304(b)(1)(ii)
4-201(a)(8)(i)		4-902(b)(2)	3-304(b)(1)(iii)
4-201(a)(8)(ii)		4-903(a)	3-305
		4-903(b)	3-303(c),
4-201(a)(8)(iii)			3-316
4-201(a)(9)		4-904	3-303(a)
4-201(a)(10)		4-905	3-307(a),
4-201(b) (Parts			(b)(1) to (4),
of intro. lang.)			(c)(1), (2),
			3-308(a), (b)
4-201(b)(1)		4-906	Transferred to
			NR § 8-2003
4-201(b)(2)			(See GRN
4-201(c)(1)		4-907	to PS)
			3-310

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
41 4-908	PS 3-309	41 10-801(o)	PS 14-501(k)
4-909	3-311	10-801(p)	14-504(b)
4-910(a)(1)	3-312(a)	10-801(q)	14-504(a)
4-910(a)(2)	3-312(b)(1)(i)	10-801(r)	14-504(b)
4-910(a)(3)	3-312(b)(1)(i), (iv)	10-801(s)	14-501(l)
4-910(a)(4)	PS 3-312(c)	10-802(a)	14-502(a)
4-910(b)(1)	3-312(b)(1)(ii)	10-802(b)	PS 14-503(a)
4-910(b)(2)	3-312(b)(1)(iii)	10-802(c)	14-503(b)
4-911(a)	3-315(a)	10-803(a)	14-504(b)
4-911(b)	3-315(c)	10-803(b)	14-504(c)
4-911(c)	3-315(d)	10-804(a)	14-502(b)
4-912	3-314	10-804(b)	14-505
4-913(a)	3-313(a)(1)	10-805	14-506
	to (4),	10-806	14-507
	3-315(b)(1),	10-807	14-508
	(2)	10-808	14-509
4-913(b)	3-313(b)	10-809	14-510
4-913(c)	3-313(c)	10-810	14-511
4-1001	1-201	10-811	Transferred to Session Laws
4-1002(a)(1)	1-202(a)(1)		(See GRN to subtitle)
4-1002(a)(2)(i)	1-202(a)(4)(i)	17-101	14-601
4-1002(a)(2)(ii)	1-202(a)(4)(ii)1	17-102	14-602
4-1002(a)(2)(iii)	1-202(a)(4)(ii)2	17-103	14-603
4-1002(a)(2)(iv)		17-104	14-604
to (vi)	Deleted (See RN, § 1-202)	17-105	14-605
4-1002(a)(3)	1-202(a)(2)	18-101(a)	
4-1002(a)(4)	1-202(a)(3)	to (d)	1-302(a)
4-1002(a)(5)	Deleted (See RN, § 1-202)	18-101(e)	1-302(b)
4-1002(a)(6)	1-202(a)(5)	18-101(f) (intro. lang.)	1-301(a)
4-1002(a)(7)	1-202(a)(6)	18-101(f)(1), (2)	Deleted (See RN to section)
4-1002(a)(8)	1-202(b)(1), (c)	18-101(f)(3)	1-301(c)
4-1002(b)(1)(i), (ii)	1-202(b)(1)	18-101(f)(4)	1-301(r)
4-1002(b)(1)(iii)	1-202(b)(2)	18-101(f)(5)	1-301(n)
4-1002(b)(2)	1-202(b)(3)	18-101(f)(6)	1-301(h)
4-1002(b)(3)	1-202(c)	18-101(f)(7)	1-301(q)
4-1002(c)	1-202(g)	18-101(f)(8)	1-301(p)
4-1002(d)	1-202(e)	18-101(f)(9)	1-301(f)
4-1002(e)	1-202(f)	18-101(f)(10)	1-301(o)
4-1002(f)	1-202(h)	18-101(f)(11)	Deleted (See RN to section)
4-1003	1-202(d)		
10-101	13-301(a)(1)	18-101(f)(12)	1-301(l)
10-801(a)	14-501(a)	18-101(f)(13)	1-301(b)
10-801(b)	14-504(b)	18-101(f)(14)	Deleted (See RN to section)
10-801(c)	14-501(c)		
10-801(d)	14-504(b)	18-101(f)(15)	1-301(k)
10-801(e)	14-503(a)	18-101(f)(16)	1-301(m)
10-801(f)	14-504(b)	18-102	1-304
10-801(g)	14-501(e)	18-103(a)	1-305(a)
10-801(h), (i)	14-504(b)	18-103(b)	1-305(b), (c)
10-801(j)	14-501(f)		
10-801(k)	14-501(g)	18-103(c)	1-305(d)
10-801(l), (m)	14-504(b)	18-103(d)	1-305(g),
10-801(n)	14-501(j)		

TABLES OF COMPARABLE SECTIONS

Former Provision Art. Sec.	Revised Provision Art. Sec.	Former Provision Art. Sec.	Revised Provision Art. Sec.
41	PS	48	PS
18-103(e)	1-308(b)	168(a)(3)	12-901(g)
18-103(f)	1-305(f)	168(b)	12-901(j)(1)
18-103(g)	1-305(c)	168(c)	12-901(e),
18-103(h)	1-305(e)		12-909(d)
18-103(i)	1-306	169	12-904
18-103(j)	1-309(e)	169(a)	12-901(b)
18-104	1-307	170	12-905
	Transferred to	171	12-908
	Session Laws	172(a)	12-903(b)
	(See GRN	172(b)	12-909(a)
	to subtitle)	172(c)	12-903(b)
18-105(a)(1)	1-308(a),	172(d)	12-901(j)(2)
	(b)	172(e)	12-903(c)
18-105(a)(2)	1-308(d)	173(a)	12-906(a)
18-105(b)(1)	1-310(a),	173(b)	12-906(b)
	(b)	173(c)	12-906(c)
18-105(b)(2)	1-310(c)	174	12-907
18-105(b)(3)	1-310(d)(1)	175	12-907
	to (3)	176(a)	12-909(b)
18-105(c)	1-311	176(b)(1)	
18-105(d)	1-310(e)	to (6)	12-909(d)
18-105(e)	1-308(e)	176(b)(7)	12-909(h)
	to (g)	176(c)(1)	12-909(c)(1)
18-105(f)	1-309(b)	176(c)(2)	12-909(c)(2)
18-105(g)	1-309(f)	176(d)	12-909(e)
18-106(a)	1-303(a)	176(e)	12-909(f)
18-106(b)	1-303(b)	176(f)	12-909(g)
18-106(c)	1-310(f)	176A	12-915
18-107(a)	1-309(a)	176B	12-912
18-107(b)	1-309(a),	176C	12-913
	(d)	176D	12-914
18-107(c)	Deleted	177(a)	12-910(a)
	(See RN,	177(b)	12-910(b)
	§ 1-309)	177(c)	
18-107(d), (e)	Transferred to	to (e)	12-911
	Session Laws	178(a)	12-909(i)
	(See RN,	178(b)	12-907
	§ 1-309)	178(c)	12-906(d)
18-107(f)	1-309(c)	178A(a)	12-916
18-108(a)	1-312(d)	178A(b)	12-917
18-108(b)	1-312(b)	180	Deleted
18-108(c)	1-312(a)		(See GRN
18-108(d), (e)	Transferred to		to subtitle)
	Session Laws	180A	12-919
	(See GRN	181(a)	9-801(b), (c),
	to subtitle)		9-803
19-101	14-701	181(b)	9-804(a)
19-102	14-702	181(c)	9-804(b)
48 1 to 8	Deleted	182	9-805
	(See GRN	183	9-804(c)
	to subtitle)	65 1	13-202
116	12-703	2	13-701(a)
117	12-704	4	13-701(b)
167	12-902	5(a)	13-203(a)
168	12-901(a)	5(b)	13-203(b),
168(a)	12-901(c),		13-209(c)
	12-903(a),	5(c)	13-203(c)
	12-918,	6	13-215
168(a)(1)	12-901(i)	7	13-302(a)
168(a)(2)	12-901(h)	8	13-702

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
65 8(a)	PS 13-101(e)	65 32(a)	PS 13-704(a)
8A	13-402	32(b)	13-704(b)
8B	13-404	32A	13-705
9(a) (intro. lang.)	13-301(a)(1)	33	13-704(d)
9(a)(1)	13-301(a)(2)	35	13-214
9(a)(2)	PS 13-301(a)(4)	36	13-605
9(a)(3)	13-304	37	PS 13-211
9(a)(4)	13-302(f)	40	13-403
9(b)(1), (2)	13-303(a)	41	13-706
9(b)(3)	13-304	42	13-707
9(b)(4), (5)	13-303(b)	43	13-801,
9(b)(6)	13-303(c)		13-802(a),
9(c)(1), (2)	13-303(a)		(b), (d),
9(c)(3)	13-304		13-806,
9(c)(4), (5)	13-303(b)		13-807,
9(c)(6)	13-303(c)		13-808,
9(d)	13-301(b)		13-812(a)
9(e)	13-209(a),	44	to (c)
	13-301(a)(5),		13-801,
	13-303(d),		13-804,
	13-306		13-805,
9(f)	13-209(b)		13-810,
9(g)	13-306		13-812(a),
9(h)	13-303(a)		(c), (e),
9(i)	13-305	45	13-813
9(j)	13-301(a)(5),		13-814(a)
	13-303(d)	46	to (d)
9(k)	13-301(c)	47	13-809
10	13-301(a)(1),	47(a), (b)	13-802(c)
	(3), (5), (d),	48	13-803
	13-302(b)		13-805,
	to (e), (g),		13-811,
	13-304		13-812(a),
12	13-204(a),	49	(d)
	(b), (d)	50	13-902
12A	13-405	51	13-903
14	13-204(b)		13-904,
	to (d)	52	13-905
15(a)	13-101(d)	54	13-708
15(b)	13-401(a)(1),	55	13-212
	(3)	59	13-208
15(c)	13-401(b)	60	13-201(b)
15(d)	13-401(c)	61	13-216
15A	14-103	62	13-217
16	13-210		13-101(c),
17	13-401(a)(2)		13-501(a), (b),
18	13-213		13-502,
19	13-602	63	13-503(a)
20	13-601	64	13-502
21	13-603(a), (b),	66	13-504(a)
	13-604	68	13-505
22	13-606,	69	13-506
	13-607	70	13-507
23	13-608	71	13-508
24	13-205	72	13-503(c)
25	13-206	73	13-503(b)
26	13-207	74	13-504(b)
28	13-703		13-504(c),
32	13-704(c)	75	(d)
			13-504(e)

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
82 1	PS 14-1001	83B 6-202(d)	12-301(d)
2	14-1002(a), 14-1003	6-202(e)	12-301(e)
3	14-1002(b)	6-202(f)	12-301(f)
4	14-1004	6-202(g)	12-301(g)
83B 6-101(a)	12-201(b), (c)	6-202(h)	12-301(h)
6-101(b)(1)(i)	12-201(e)(1)	6-202(i)	Deleted (See RN, § 12-301)
6-101(b)(1)(ii)	12-201(e)(2)	6-202(j)	12-301(i)
6-101(b)(1)(iii)	12-201(e)(4), (5)	6-203(a)	12-305(a)
6-101(b)(2)(i)	12-201(a)(3)	6-203(b)	12-305(b)
6-101(b)(2)(ii)	12-201(e)(3)	6-203(c)	12-305(c)
6-101(b)(2)(iii)	12-201(f)(1)	6-203(d)	Deleted (See RN, § 12-305)
6-101(c)	12-201(d)	6-204(a)	12-307(a)(1), (2), (b)(1), (2), 12-308(a) to (c), 12-311(a)
6-101(d)	12-201(f)(2) to (4), (g)	6-204(b)(1)	12-311(b)
6-101(e)	12-201(f)(5)	6-204(b)(2)	12-311(c)
6-102(a)(1)	12-202(b)(1)	6-204(c)(1)	12-306(a), 12-309(a)
6-102(a)(2)	12-202(b)(2)	6-204(c)(2)	12-309(b)
6-102(a)(3)(i)	12-202(e)	6-204(c)(3)	12-309(c)
6-102(a)(3)(ii)	12-202(f)(1)	6-204(c)(4)	12-303
6-102(a)(3)(iii)	12-202(f)(2)	6-204(d)	12-310(c)
6-102(a)(3)(iv)	12-202(f)(3)	6-204(e)	12-310(a), (b), 12-311(d)(1), (2)
6-102(a)(4)	12-202(g)	6-204(f)	12-304(a)
6-102(b)(1)	12-202(c)	6-206(a)	12-304(b)
6-102(b)(2)	12-202(d)	6-206(b)	12-313(a)
6-102(c)	12-202(i)	6-206(c)	12-313(b)
6-102(d)	12-202(h)	6-206(d)	12-313(c)
6-103(a)(1)	12-203(b)	6-207(a)	12-312
6-103(a)(2)	12-203(c)	6-207(b)	12-305(d)
(intro. lang.)	12-203(c)	6-208	12-306(b)
6-103(a)(2)(i), (ii)	12-203(e)	6-301(a)	12-401(a)
6-103(a)(3)	12-203(e)	6-301(b)	12-401(f), 12-403
6-103(b)	12-203(d)	6-301(c)	12-401(e), 12-404(a), (b)
6-103(c)(1)	12-203(f)(1)	6-301(d)	12-401(d)
6-103(c)(2)	12-203(g)(1)	6-302(a)	12-405(a)(1), (2), (b)
6-103(c)(3)	12-203(g)(2)	6-302(b)	12-405(d)
6-103(c)(4)	12-203(h)	6-302(c)	12-405(c)
6-103(d)(1)	12-203(i)(1), (3)	6-303	12-406
6-103(d)(2)	12-203(i)(2)	6-304	12-407
6-103(d)(3)	12-203(f)(3)	6-305	12-402(b)
6-103(e)	12-203(j)	6-306	12-402(a)
6-103(f)	12-203(f)(2)	6-401(a)	12-501(a)
6-104(a)(1)	12-204(a)(1)	6-401(b)	12-501(b)
6-104(a)(2)	12-204(a)(2)	6-401(c)	Deleted (See RN, § 12-501)
6-104(a)(3)(i)	12-204(a)(4)		
6-104(a)(3)(ii)	12-204(b)		
6-104(b)(1)	12-204(c)		
6-104(b)(2)	12-204(d)		
6-104(c)	12-204(g)		
6-104(d)(1)	12-204(e)		
6-104(d)(2)	12-204(f)		
6-201	12-302		
6-202(a)	12-307(b)(3), (4)		
6-202(b)	12-301(b)		
6-202(c)	12-301(c)		

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
83B 6-401(d), (e)	PS 12-501(d)	83B 6-502(1)	PS 12-1001(m)
6-401(f)	12-501(e)	6-503(a)	12-1004(a)
6-401(g)	12-501(f)	6-503(b)	12-1004(b)
6-401(h)	Deleted (See RN, § 12-501)	6-503(c)(1)	Deleted (See RN, § 12-1004)
6-401(i)	PS Transferred to Session Laws (See RN, § 12-503)	6-503(c)(2)	PS 12-1007(a)
6-401(j)	12-506(b)(1)	6-503(d)	12-1004(c)
6-401(k)	12-501(g)	6-503(e)	12-1006
6-402(a)	12-503(a)(1)	6-503(f)(1)	12-1007(b)(1)
6-402(b)(1)	Deleted (See RN, § 12-503)	6-503(f)(2)	12-1007(b)(2)
6-402(b)(2)	12-503(a)(2)	6-503(f)(3)	12-1007(c)
6-402(c)(1)	12-503(c)	6-503(f)(4)	12-1007(d)
6-402(c)(2)		6-503(f)(5)	12-1007(e)
to (5)	Transferred to Session Laws (See RN, § 12-503)	6-504	12-1005
6-402(d)	12-504	6-505(a)	12-1003(a), (b)
6-402(e)(1)	12-505(a)(1), (2)	6-505(b)(1)	12-1003(e)
6-402(e)(2)	12-505(a)(3)	6-505(b)(2)	12-1003(c)
6-402(e)(3)	12-502(c)	6-505(c)(1)	12-1003(d)(1)
6-402(f)	12-505(b)	6-505(c)(2)	12-1003(d)(2)
6-402(g)	12-505(c)	6-505(c)(3)	12-1003(d)(3)
6-402(h)	12-502(b)	6-505(c)(4)	12-1003(d)(4)
6-403	12-503(b)	6-505(c)(5)	12-1003(d)(5)
6-404(a)(1)	12-506(a), (b)(1)	6-505(c)(6)	12-1003(f)
6-404(a)(2)	12-506(c)(1)	6-505(d)	12-1003(h)
6-404(a)(3)	12-506(c)(2)	6-505(e)	12-1003(g)
6-404(b)	12-506(d)	87 49	7-302(b)
6-404(c)		50	7-302(c)
to (e)	12-506(e)	51(a)	7-302(d), (e)(1), (f)
6-405(a)(1)	12-506(c)(3)	51(b)	7-302(e)(3)
6-405(a)(2)	12-507(b)(1)	52	7-302(f)
6-405(a)(3)	12-506(b)(1)	53(a)(1)	7-302(a)
6-405(a)(4)	12-507(b)(2)	53(a)(2)	7-302(e)(2)
6-405(a)(5)	12-507(b)(3)	53(b)(1)	7-303(a)
6-405(b)(1)	12-506(b)(2)	53(b)(2)	7-303(b)(1)
6-405(b)(2)	12-507(a)(1)	53(b)(3)	7-303(b)(2)
6-405(b)(3)	12-507(a)(2)	53(b)(4), (5)	7-303(d)
6-406	12-502(a)	53(b)(6)	7-303(e)
6-501	12-1002	53(b)(7)	7-303(c)
6-502(a)	12-1001(a)	53(b)(8)	Deleted (See RN, § 7-303)
6-502(b)	12-1001(b)	53(c)	7-302(a), (d), (f)
6-502(c)	12-1001(c)	54	7-302(g)
6-502(d)	12-1001(d)	88B 1(a)	2-201, Parts Deleted (See RN to section)
6-502(e)	12-1001(f)	1(b)	2-207
6-502(f)	12-1001(g)	2 (intro. lang.)	2-101(a)
6-502(g)	12-1001(h)	2(1)	2-101(b)
6-502(h)	12-1001(i)	2(2)	2-101(d), (h)
6-502(i)	12-1001(j)	2(3)	2-101(e)
6-502(j)	12-1001(k)	2(4)	2-101(c),
6-502(k)	12-1001(l)		

TABLES OF COMPARABLE SECTIONS

Former Provision Art. Sec.	Revised Provision Art.	Former Provision Art. Sec.	Revised Provision Art.
88B	PS	88B 12A(l)(2)	PS 2-502(e)
2(5)		12A(m)(1)	2-508(a)
2(6)		12A(m)(2)	2-508(b)
		12A(m)(3)	2-503(a)(2)
		12A(m)(4)	2-509
2(7)		12A(n)	2-510
		12A(o)	PS 2-511
2(8)		12A(p)	2-512
2(9)		13	2-301(b)
2(10)		14	2-202
3		15(a)	2-205(a)
4(a)		15(b)(1)	2-204(b)(1)
4(b)		15(b)(2)	2-204(b)(2) to (4)
4(c)		15(b)(3)	2-204(b)(5)
4(d)		15(b)(4)	2-204(b)(6)
4(e)		15(b)(5)	2-204(b)(7)
5		15(b)(6)	2-204(b)(8)
6		15(b)(7)	2-204(b)(9)
7		15(b)(8)	2-204(b)(10)
7A		15(b)(9)	2-204(b)(11)
8		15(b)(10)	2-204(b)(12), (13)
9(a)			
9(b)(1)		15(b)(11)	2-204(b)(14)
9(b)(2)		15(b)(12)	2-204(b)(15)
9(b)(3)		15(b)(13)	2-204(b)(16), (17)
10(a)			
10(b)		15(b)(14)	2-205(b)
11		15(b)(15)	2-407(b)
		15(b)(16)	2-415(b)
12		15(c)	2-204(c)
12A(a)(1)		15(d)	2-415(b)
12A(a)(2)		16	2-203
12A(a)(3)		17(a)	2-402(a)
12A(a)(4)		17(b)	2-402(b), 2-418
12A(a)(5)			
12A(a)(6)		18	2-403(a), (b), 2-417(b)
12A(a)(7)			
12A(a)(9)		19(a)	2-404(b)
12A(a)(10)		19(b)	2-404(c)
12A(b)(1)		19(c)	2-404(d)
12A(b)(2)		19(d)	2-404(e)
12A(b)(3)		19(e)	2-404(f)
12A(b)(4)		21	2-414, 2-415(a), 2-416, 2-417(a)
12A(c)			
12A(d)		22(a)	2-405(a), (b)
12A(e)			
12A(f)			
12A(g)		22(b)	2-406(a)
12A(h)(1)		22(c)	2-407(a)
12A(h)(2)		22(d)	2-406(b)
12A(i)		22(e)	2-408
12A(j)		23(a)	2-404(e), 2-405(a), 2-413
12A(k)(1)			
12A(k)(2)(i)		23(b)	2-405(c)
12A(k)(2)(ii)		23A	2-410
12A(k)(3)(i)		23B(a)	Deleted (See RN,
12A(k)(3)(ii)			
12A(k)(4)			
12A(l)(1)			

TABLES OF COMPARABLE SECTIONS

Former Provision Art. Sec.	Revised Provision Art.	Former Provision Art. Sec.	Revised Provision Art. Sec.
88B	PS	§ 2-411	88B 37
23B(b)		2-411(a)	PS
23B(c)		2-411(b)	Transferred to Session Laws (See GRN to subtitle)
23C		2-409	2-601(a)
24		2-401	2-602(a)
24A		2-415(c)	63(a)
25	PS	2-310	63(b)
27		2-311	63(c)
27A		2-312	63(d)
28		2-208	63(e)
29		2-206	63(f)
30(a)(1)		4-101(a)	63(g)
30(a)(2)		4-101(b)	63(h)
30(a)(3)		4-101(c)	63(i)
30(a)(4)		4-101(d)	63(j)
30(b)		4-102(a), (b)	64
30(c)(1)		4-102(c)	Transferred to Art. 41, § 4-401 (See GRN to PS)
30(c)(2)		4-102(d)	65
30(c)(3)		4-102(e)(1)	Transferred to Art. 41, § 4-402 (See GRN to PS)
30(c)(4)		4-102(e)(2)	66
30(d)		4-103	67
30(e)		4-104	68
30(f)		4-105(a)	69
30(g)		4-105(b)	70
30(h)		4-106	71(a)
30(i)		4-107	71(b)
30A(a)(1)		11-201(a)	71(c)
30A(a)(2)		11-201(c)	71(d)
30A(a)(3)		11-201(d)	72(a)
30A(b)		11-202(a)	72(b)
30A(c)(1)		11-203(a)(1)	72(c)
30A(c)(2)		11-203(a)(2)	72(d)(1)
30A(c)(3)		11-203(b)	72(d)(2)
30A(d)		11-204	72(d)(3)
30A(e)(1)		11-205(a)	73(a)
30A(e)(2)		11-205(b)	73(b)
30A(e)(3)		11-205(c)	
30A(f)		11-202(b)	
30A(g)		11-206	
31, 32	Transferred to Session Laws (See GRN to subtitle)		
34	Transferred to Session Laws (See GRN to subtitle)		
34A, 34B	Transferred to Session Laws (See GRN to subtitle)		
35, 36	Transferred to Session Laws (See GRN to subtitle)		
36A	Transferred to Session Laws (See GRN to subtitle)		

TABLES OF COMPARABLE SECTIONS

Former Provision Art. Sec.	Revised Provision Art. Sec.	Former Provision Art. Sec.	Revised Provision Art. Sec.
88B 73(c)	PS	89	PS
74	2-702(f)		(See RN to (f))
75	2-703		
81(a)(1)	2-702(g)(2)	49B(b)(2)	12-801(e)
81(a)(2)(i)	5-502(a)	49B(b)(3)	12-801(m)
81(a)(2)(ii)	5-502(b)	49B(b)(4)	12-801(o)
81(a)(2)(iii)	5-502(d)	49B(b)(5)	12-801(c)
81(a)(2)(iv)	5-502(c)	49B(b)(6)	Deleted
81(a)(3)	PS		(See RN, § 12-807)
81(a)(4)	5-502(e)	49B(b)(7)	Deleted
81(a)(5)	5-503(a)		(See RN, § 12-806)
81(b)	5-503(b)	49B(b)(8)	Deleted
82(a)	5-502(f)		(See RN, § 12-806)
82(b)	5-504		Deleted
82(c)	4-201(a)	49B(b)(9)	(See RN, § 12-806)
82(d)	4-201(b)	49B(b)(10)	12-806(c)
83(a)	4-201(c)	49B(b)(11)	12-801(d)
83(b) (intro. lang.)	4-201(d)	49B(b)(12)	12-810(a)
83(b)(1)	4-202(a)		12-810(b), 12-812(d)
83(b)(2)	4-202(d)(1)	49B(b)(13)	12-812(b)
83(c)	4-202(c)(1)	49B(b)(14)	12-816(c)
83(d)(1)	4-202(b)	49B(c)	12-808
	4-202(e)	49B(d)	12-806(a) to (c)
83(d)(2)	4-202(d)(2), (f)	49B(e)	12-805(a), (b)
83(d)(3)	4-202(c)(2)	49B(f)	12-814(a)
83(d)(4)	4-202(d)(1)	49B(g)	12-806(d)
83(e)	4-203(a)	49B(h)	12-814(b)
84(a)	4-202(g)	49B(i)(1)	12-811(a), (b), 12-812(a)
84(b)(1)	4-203(b)	49B(i)(2)(i)	12-810(c)
84(b)(2)	4-203(c)	49B(i)(2)(ii)	12-810(d)
84(b)(3)	4-203(d)(1)	49B(i)(3)	12-813(b)
85	4-203(d)(2)	49B(i)(4)(i)	12-812(c)
86	4-203(e)	49B(i)(4)(ii), (iii)	12-812(d)
89 2A	4-204	49B(i)(5)	12-813(a)
2B	12-101	49B(i)(6)	to (8)
	Deleted	49B(j)	12-805(d)
	(See GRN to PS)	49B(k)	12-804(b)
3	14-903(a), (c), (d), 14-904(a), (b), (c)(1), 14-905, 14-908	49B(l)	12-805(c)
4	14-901(1), (2), 14-903(b)	49B(m)	12-809(a)
5	14-907	49B(n)	12-807(b)
6	14-904(c)(2), 14-906(a) to (c), (d)(1) to (4)	49B(o)	12-804(a)
7	14-902	49B(p)	12-815
8	14-901(3)	49B(q)(1)	12-816(b)
9	14-901(4)	49B(q)(2)	12-816(a)
49B(a)	12-807(a), 12-811(b), (c)	49B(q)(3)	12-816(c)
49B(b) (intro. lang.)	12-801(a)	49C(a)(1)	12-801(a)
49B(b)(1)	12-801(f)	49C(a)(2)	12-801(b)
	Part Deleted	49C(a)(3)	12-826(e)
		49C(a)(4)	12-801(g)
		49C(a)(5)	12-801(h)
		49C(a)(6)	12-801(m)
		49C(b)(1)	12-819
		49C(b)(2)	12-825
		49C(c)	12-820

TABLES OF COMPARABLE SECTIONS

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
89 49C(d)	PS 12-821	89 49C(m)	PS 12-831
49C(e)	12-822(a)	49C(n)(1)	12-832(a)
49C(f)	12-822(b)	49C(n)(2)	12-832(b)
49C(g)(1),		49C(o)	12-833
(2)	12-823	49C(p)	PS 12-835
49C(g)(3)	12-824	49C(q)	12-834
49C(g)(4)	PS 12-823	49C(r)	12-837
49C(h)(1)	12-826(a)	49C(s)	12-838
49C(h)(2)(i)	12-826(b)	49C(t)	12-839
49C(h)(2)(ii)	12-826(e)	49C(u)	12-836
49C(h)(3)	12-826(e)	49C(v)	12-840
49C(i)(1)	12-827(a)	49C(w)	12-841
49C(i)(2)	Deleted	64	Transferred to
	(See RN,		Art. HG,
	§ 12-827)		§ 24-212
49C(i)(3)	12-827(b)		(See GRN
49C(j)	12-828		to PS)
49C(k)	12-829	96½ 42	13-901
49C(l)	12-830	CR 4-207	5-314

TABLES OF COMPARABLE SECTIONS

Table II

Revised Provision to Former Provision

Revised Provision Art. Sec.	Former Provision Art. Sec.	Revised Provision Art. Sec.	Former Provision Art. Sec.
PS 1-101	New	PS 1-305(f)	41
1-201	41	1-305(g)	41
1-202(a)(1)	41	1-306	41
1-202(a)(2)	41	1-307	41
1-202(a)(3)	41	1-308(a)	41
1-202(a)(4)(i)	41	1-308(b)	41
1-202(a)(4)(ii)1	41		
1-202(a)(4)(ii)2	41	1-308(c)	New
1-202(a)(5)	41	1-308(d)	41
1-202(a)(6)	41	1-308(e)	
1-202(b)(1)	41	to (g)	41
		1-309(a)	41
		1-309(b)	41
1-202(b)(2)	41	1-309(c)	41
1-202(b)(3)	41	1-309(d)	41
1-202(c)	41	1-309(e)	41
		1-309(f)	41
1-202(d)	38A	1-310(a),	
	41	(b)	41
1-202(e)	41	1-310(c)	41
1-202(f)	41	1-310(d)(1)	
1-202(g)	41	to (3)	41
1-202(h)	41	1-310(d)(4),	
1-301(a)	41	(5)	New
		1-310(e)	41
1-301(b)	41	1-310(f)	41
1-301(c)	41	1-311	41
1-301(d)	New	1-312(a)	41
1-301(e)	New	1-312(b)	41
1-301(f)	41	1-312(c)	New
1-301(g)	New	1-312(d)	41
1-301(h)	41	1-312(e)	New
1-301(i)	New	2-101(a)	88B
1-301(j)	New		
1-301(k)	41		
1-301(l)	41	2-101(b)	88B
1-301(m)	41	2-101(c)	88B
1-301(n)	41	2-101(d)	88B
1-301(o)	41	2-101(e)	88B
1-301(p)	41	2-101(f)	88B
1-301(q)	41	2-101(g)	88B
1-301(r)	41	2-101(h)	88B
1-301(s)	New	2-101(i)	88B
1-302(a)	41	2-101(j)	88B
		2-101(k)	88B
1-302(b)	41	2-101(l)	88B
1-303(a)	41	2-201	88B
1-303(b)	41	2-202	88B
1-304	41	2-203	88B
1-305(a)	41	2-204(a)	88B
1-305(b)	41	2-204(b)(1)	88B
1-305(c)	41	2-204(b)(2)	
		to (4)	88B
1-305(d)	41	2-204(b)(5)	88B
1-305(e)	41	2-204(b)(6)	88B

TABLES OF COMPARABLE SECTIONS

Revised Provision		Former Provision	Revised Provision		Former Provision
Art. Sec.		Art. Sec.	Art. Sec.		Art. Sec.
PS 2-204(b)(7)	88B	15(b)(5)	PS 2-411(a)	88B	23B(b)
2-204(b)(8)	88B	15(b)(6)	2-411(b)	88B	23B(c)
2-204(b)(9)	88B	15(b)(7)	2-412(a)	88B	4(a), (e)
2-204(b)(10)	88B	15(b)(8)	2-412(b)	88B	4(b)
2-204(b)(11)	88B	15(b)(9)	2-412(c)	88B	4(c)
2-204(b)(12),			2-412(d)	88B	4(d)
(13)	88B	15(b)(10)	2-413	88B	23(a)
2-204(b)(14)	88B	15(b)(11)	2-414	88B	21
2-204(b)(15)	88B	15(b)(12)	2-415(a)	88B	21
2-204(b)(16),			2-415(b)	88B	15(b)(16),
(17)	88B	15(b)(13)			(d)
2-204(c)	88B	15(c)	2-415(c)	88B	24A
2-205(a)	88B	15(a)	2-416	88B	21
2-205(b)	88B	15(b)(14)	2-417(a)	88B	21
2-206	88B	29	2-417(b)	88B	18
2-207	88B	1(b)	2-418	88B	17(b)
2-208	88B	28	2-501(a)	88B	12A(a)(1)
2-301(a)	88B	3	2-501(b)	88B	12A(a)(2)
2-301(b)	88B	13	2-501(c)	88B	12A(a)(3)
2-302	88B	5	2-501(d)	88B	12A(a)(4)
2-303	88B	6	2-501(e)	88B	12A(a)(5)
2-304	88B	7	2-501(f)	88B	12A(a)(6)
2-305	88B	7A	2-501(g)	88B	12A(a)(7)
2-306	88B	8	2-501(h)	88B	12A(a)(9)
2-307(a)	88B	9(a)	2-501(i)	88B	12A(a)(10)
2-307(b)(1)	88B	9(b)(1)	2-502(a)	88B	12A(b)(1)
2-307(b)(2)	88B	9(b)(2)	2-502(b)	88B	12A(b)(2)
2-307(b)(3)	88B	9(b)(3)	2-502(c)	88B	12A(b)(3)
2-307(b)(4)	88B	10(b)	2-502(d)	88B	12A(l)(1)
2-308(a)	88B	10(a)	2-502(e)	88B	12A(l)(2)
2-308(b),			2-502(f)	88B	12A(k)(4)
(c)	88B	11	2-503(a)(1)	88B	12A(b)(4)
2-309	88B	12	2-503(a)(2)	88B	12A(m)(3)
2-310	88B	25	2-503(a)(3)	88B	12A(k)(1)
2-311	88B	27	2-503(b)	88B	12A(k)(3)(i)
2-312	88B	27A	2-504(a)(1)	88B	12A(c)
2-313	88B	70	2-504(a)(2)	88B	12A(f)
2-401	88B	24	2-504(b)	88B	12A(i)
2-402(a)	88B	17(a)	2-504(c)	88B	12A(j)
2-402(b)	88B	17(b)	2-504(d)	88B	12A(d)
2-403(a),			2-504(e)	88B	12A(e)
(b)	88B	18	2-505	88B	12A(g)
2-404(a)	88B	2(9)	2-506(a)	88B	12A(h)(1)
2-404(b)	88B	19(a)	2-506(b)	88B	12A(h)(2),
2-404(c)	88B	19(b)			(k)(2)(i)
2-404(d)	88B	19(c)	2-506(c)	88B	12A(k)(2)(ii)
2-404(e)	88B	19(d),	2-507	88B	12A(k)(3)(ii)
		23(a)	2-508(a)	88B	12A(m)(1)
2-404(f)	88B	19(e)	2-508(b)	88B	12A(m)(2)
2-405(a)	88B	22(a),	2-509	88B	12A(m)(4)
		23(a)	2-510	88B	12A(n)
2-405(b)	88B	22(a)	2-511	88B	12A(o)
2-405(c)	88B	23(b)	2-512	88B	12A(p)
2-406(a)	88B	22(b)	2-601(a)	88B	63(a)
2-406(b)	88B	22(d)	2-601(b)	88B	63(f)
2-407(a)	88B	22(c)	2-601(c)	88B	63(g)
2-407(b)	88B	15(b)(15)	2-602(a)	88B	63(b)
2-408	88B	22(e)	2-602(b)	88B	63(c)
2-409	88B	23C	2-602(c)	88B	63(d)
2-410	88B	23A	2-602(d)	88B	63(e)

TABLES OF COMPARABLE SECTIONS

Revised Provision Art. Sec.	Former Provision Art. Sec.	Revised Provision Art. Sec.	Former Provision Art. Sec.
PS 2-603	88B 63(i)	PS (2)	27 727(d)(1)
2-604	88B 63(j)	3-107(c)(3)	27 728(b)(13)
2-701(a)	88B 71(a)	3-107(c)(4)	27 727(d)(2)
2-701(b)	88B 71(b)	3-107(d)(1)	
2-701(c)	88B 71(c)	to (3)	27 730(j)(1)
2-701(d)	88B 71(d)	3-107(d)(4),	
2-702(a)(1)	88B 72(a)	(5)	27 730(j)(2)
2-702(a)(2)	88B 73(a)	3-107(e)(1)	
2-702(b)	88B 72(b)	to (3)	27 730(d)
2-702(c)(1)	88B 72(d)(1)	3-107(e)(4)	27 730(f)
2-702(c)(2)		3-107(f)	27 730(e)
to (4)	88B 72(d)(2)	3-107(g)	27 730(g)
2-702(d)	88B 72(c)	3-107(h)(1)	27 730(h)
2-702(e)	88B 72(d)(3)	3-107(h)(2)	27 730(j)(1)
2-702(f)	88B 73(c)	3-107(i)	27 730(i)
2-702(g)(1)	88B 73(b)	3-107(j)	27 730(a)
2-702(g)(2)	88B 75	3-108(a)	27 731(a)
2-703	88B 74	3-108(b)(1)	27 731(b)
3-101(a)	27 727(a)	3-108(b)(2)	27 731(c)
3-101(b)	27 727(g)	3-108(c)	27 731(d)
3-101(c)	27 727(e)	3-108(d)(1)	
3-101(d)	27 727(d)(1)	to (3)	27 731(c)
3-101(e)	27 727(b), (c)	3-108(d)(4)	27 731(a)
3-102(a),		3-108(d)(5)	27 731(c)
(b)	27 734B	3-109	27 732
3-102(c)	27 728(c)	3-110	27 728(b)(12)(ii)
3-103(a)	27 728(a)	3-111(a)	27 734A
3-103(b)	27 729A	3-111(b)	27 727(f),
3-103(c)	27 729		734A(1)
3-103(d)	27 733	3-111(c)	27 727(d)(3)
3-103(e)	27 728(b)(11)	3-112(a)	27 734A
3-103(f)	27 734D	3-112(b)	27 734A(2)
3-104(a)	27 728(b)	3-112(c)	27 734A(3)
	(intro.	3-113	27 734C
	lang.)	3-201(a)	41 4-201(a)
3-104(b)	27 727(h)		(intro.
3-104(c)	27 728(b)(4)		lang.)
3-104(d)(1)	27 728(b)(3)	3-201(b)	41 4-201(a)(2)
3-104(d)(2)	27 728(b)(5)(i)	3-201(c)	New
3-104(e)	27 728(b)(9)	3-201(d)	41 4-201(a)(4)
3-104(f)	27 728(b)(1)	3-201(e)(1)	41 4-201(a)(8)(i)
3-104(g)	27 728(b)(2)	3-201(e)(2)	41 4-201(a)(8)(iii)
3-104(h)(1)	27 728(b)(3)	3-201(e)(3)	41 4-201(a)(8)(ii)
3-104(h)(2)	27 728(b)(6)	3-201(f)	New
3-104(i)	27 728(b)(7)(i)	3-202	41 4-201(b)
3-104(j)	27 728(b)(10)		(intro.
3-104(k)	27 728(b)(8)		lang.)
3-104(l)	27 728(b)(7)(ii)	3-203(a)	41 4-201(b)
3-104(m)	27 728(b)(7)(ii),		(intro.
	(14)		lang.),
3-104(n)	27 728(b)(5)(ii)		(1)
	to (iv)	3-203(b)	41 4-201(b)(1)
3-104(o)	27 728(b)(12)(i)	3-203(c)(1),	
3-105	27 734	(2)	41 4-201(b)(1)
3-106	27 730(b)	3-203(c)(3),	
3-107(a)(1)	27 730(a)	(4)	New
3-107(a)(2)	27 730(c)	3-203(d)	41 4-201(b)(2)
3-107(b)(1),		3-204	41 4-201(c)(1)
(2)	27 730(a)	3-205(a),	
3-107(c)(1),		(b)	41 4-201(c)(1)

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS 3-205(c)	41 4-201(c)(3)	PS 3-307(c)(1),	
3-205(d)	41 4-201(c)(2)	(2)	41 4-905
3-206	41 4-201(d)(9),	3-308(a),	
	(10)	(b)	41 4-905
3-207	41 4-201(a)(1),	3-309	41 4-908
	4-201(d)(1)	3-310	41 4-907
	to (5),	3-311	41 4-909
	(8), (12)	3-312(a)	41 4-910(a)(1)
	to (14),	3-312(b)(1)(i)	41 4-910(a)(2),
	(16)		(3)
3-208(a)	41 4-201(d)(11),	3-312(b)(1)(ii)	41 4-910(b)(1)
	(15)	3-312(b)(1)(iii)	41 4-910(b)(2)
3-208(b)	41 4-201(d-1)(1)	3-312(b)(1)(iv)	41 4-910(a)(3)
3-208(c),		3-312(b)(2)	41 4-902(a)(4)
(d)	41 4-201(d-1)(2)	3-312(c)	41 4-910(a)(4)
3-209(a)	41 4-201(d)(6)	3-313(a)(1)	
3-209(b)	41 4-201(a)(8)(ii)	to (4)	41 4-913(a)
3-209(c)	41 4-201(k)	3-313(b)	41 4-913(b)
3-210(a)	41 4-201(h)(1)	3-313(c)	41 4-913(c)
3-210(b)	41 4-201(h)(3)	3-314	41 4-912
3-210(c)	41 4-201(h)(2)(i)	3-315(a)	41 4-911(a)
3-211	41 4-201(i)	3-315(b)(1),	
3-212(a)	41 4-201(d)(7),	(2)	41 4-913(a)
	(g)(1)	3-315(c)	41 4-911(b)
3-212(b)	41 4-201(g)(2),	3-315(d)	41 4-911(c)
	(3)	3-316	41 4-903(b)
3-212(c)	41 4-201(g)(4)	3-401(a)	23 256(a)
3-213	41 4-201(l)	3-401(b)	23 256(d)
3-214(a)	41 4-201(h)(4)	3-401(c)	23 256(b)
3-214(b)	41 4-201(h)(2)(ii)	3-401(d)	23 256(e)
3-215(a)(1)	New	3-402	23 257(a)
3-215(a)(2)	41 4-201(a)(6)	3-403	23 256(c)
3-215(a)(3)	41 4-201(a)(10)	3-404	23 257(b)
3-215(a)(4)	41 4-201(a)(9)	3-405	23 258(a),
3-215(b)	41 4-201(f)		(b)
3-215(c),		3-406(a)	23 260(a)
(d)	41 4-201(e)	3-406(b)	23 260(b)
3-216(a)	41 4-201(j)(1)	3-407	23 260(c)
3-216(b)	41 4-201(j)(2)	3-408	23 259
3-217	41 4-201(j)(3)	3-409	23 262
3-218(a)	41 4-201(m)	3-410	23 263
3-218(b)	41 4-201(n)	3-411	23 258(c)
3-301	New	3-412	23 264
3-302	41 4-901	3-413	23 261
3-303(a)	41 4-904	3-414	23 265
3-303(b)	41 4-902(a)(3)	3-415	23 266
3-303(c)	41 4-903(b)	3-501	27 36C-1
3-304(a)	41 4-902(a)(2)	3-502	27 440
3-304(b)(1)(i)	41 4-902(a)(1)	3-503	27 555
3-304(b)(1)(ii)	41 4-902(b)(1)	4-101(a)	88B 30(a)(1)
3-304(b)(1)(iii)	41 4-902(b)(2)	4-101(b)	88B 30(a)(2)
3-304(b)(1)(iv)	41 4-902(a)(4)	4-101(c)	88B 30(a)(3)
3-304(b)(2),		4-101(d)	88B 30(a)(4)
(3)	41 4-902(a)(4)	4-101(e)	New
3-305	41 4-903(a)	4-102(a),	
3-306(a),		(b)	88B 30(b)
(b)	41 4-901	4-102(c)	88B 30(c)(1)
3-307(a)	41 4-905	4-102(d)	88B 30(c)(2)
3-307(b)(1)		4-102(e)(1)	88B 30(c)(3)
to (4)	41 4-905	4-102(e)(2)	88B 30(c)(4)

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS 4-103	88B	30(d)	PS 27
4-104	88B	30(e)	445(b)(1)(i)
4-105(a)	88B	30(f)	to (iii),
4-105(b)	88B	30(g)	(b)(3),
4-106	88B	30(h)	(d)(1)(i)
4-107	88B	30(i)	to (iii),
4-201(a)	88B	82(a)	(d)(3)
4-201(b)	88B	82(b)	441(i)
4-201(c)	88B	82(c)	442(f)(1)
4-201(d)	88B	82(d)	5-101(h) 27
4-201(e)	New		5-101(i) 27
4-202(a)	88B	83(a)	5-101(j) New
4-202(b)	88B	83(b)(2)	5-101(k) 27
4-202(c)(1)	88B	83(b)(1)	5-101(l) 27
4-202(c)(2)	88B	83(d)(2)	5-101(m) 27
4-202(d)(1)	88B	83(b)	5-101(n) 27
		(intro. lang.),	5-101(o) New
		(d)(3)	5-101(p) 27
4-202(d)(2)	88B	83(d)(1)	5-101(q) 27
4-202(e)	88B	83(c)	5-101(r) 27
4-202(f)	88B	83(d)(1)	5-101(s) 27
4-202(g)	88B	83(e)	5-101(t) 27
4-203(a)	88B	83(d)(4)	5-102 27
4-203(b)	88B	84(a)	
4-203(c)	88B	84(b)(1)	
4-203(d)(1)	88B	84(b)(2)	5-103 27
4-203(d)(2)	88B	84(b)(3)	5-104 27
4-203(e)	88B	85	5-105 27
4-204	88B	86	5-106(a),
4-301(a)	41	4-101(a)(1)	(b) 27
4-301(b)	41	4-101(a)(2)	5-107(a)(1)(i) New
4-301(c)	41	4-101(a)(3)	5-107(a)(1)(ii) 27
4-301(d)	41	4-101(a)(5)	5-107(a)(2) 27
4-301(e)	41	4-101(a)(4)	5-107(b)(1) 27
4-302(a),			5-107(b)(2) 27
(b)	41	4-101(b)	5-107(b)(3) 27
4-302(c)	41	4-101(c)(1)	5-107(b)(4) 27
4-302(d)(1)	41	4-101(c)(4)(i)	5-107(c) 27
4-302(d)(2)	41	4-101(c)(4)(ii)	5-107(d) 27
4-302(e)	41	4-101(c)(2)	5-108 27
4-302(f)	41	4-101(c)(4)(iii)	5-109 27
4-302(g)	41	4-101(c)(3)	5-110(a),
4-303(a)	41	4-101(d)(1)	(b) 27
4-303(b)	41	4-101(d)(2)	5-110(c) 27
4-303(c)	41	4-101(e)	5-110(d) 27
4-303(d)	41	4-101(g)	5-111(a) 27
4-303(e)	41	4-101(f)	5-111(b)(1)(i) New
4-304	41	4-101(h)	5-111(b)(1)(ii) 27
5-101(a)	27	441(a)	5-111(b)(1)(iii) New
5-101(b)	27	441(c)	5-111(b)(2) 27
5-101(c)	27	441(e)	5-112 27
5-101(d)	27	441(f)	5-113 27
5-101(e)	27	441(s)	5-114(a) 27
5-101(f)	27	441(g)	5-114(b) 27
5-101(g)	27	442(h)(2)(i)1	5-114(c) 27
		to 3,	
		443(e)(4)(iii)	
		1 to 3,	
		(j)(2)(i)	
			5-114(d) 27
			5-115,
			443(a)
			443(b)(2)
			443(b)(3)
			443(e)(1)
			443(e)(2)
			443(e)(3)
			443(e)(4)
			443(d)
			443(e)(1)
			443(c)
			443(f)
			443(f)
			443(g)
			443(h)
			443(b)(1)
			443(b)(2)
			443(b)(3)
			443(b)(3)
			443(a)
			443(i)
			443(j)
			443(i),
			(j)
			443(k)

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS 5-116	443(l)	PS 5-131(c)(2)	27 442B(d)
5-117	New	5-131(d)	27 442B(e)
5-118(a)(1)	New	5-132	27 442C
5-118(a)(2)	27 442(f)(1)	5-133(a)	27 445(a)
5-118(b)(1)	27 442(h)(1)	5-133(b)	27 445(d)
5-118(b)(2)	27 442(h)(3)	5-133(c)	27 449(e)
5-118(b)(3)	27 442(h)(2)	5-133(d)	27 445(e)
5-118(c)	27 442(g)	5-134(a)	27 445(a)
5-118(d)	27 442(h)(1)	5-134(b)	27 445(b)
5-119	27 442(h-1)	5-134(c)	27 445(b-1)
5-120(a),		5-134(d)(1)(i)	27 445(c)(1)
(b)	27 442(e)	5-134(d)(1)(ii)	27 441(p),
5-120(c)(1)	27 442(f)(2)		445(c)(2)
5-120(c)(2)	27 442(f)(3)	5-134(d)(2)	27 449(a)
5-121,		5-135	27 445B
5-122	27 442(i)	5-136	27 442(b)
5-123(a)	27 442(c)	5-137	27 445A
5-123(b)	27 442(m)(1)	5-138	27 446
5-123(c)	27 442(m)(2)	5-139	27 449(b)
5-123(d)	27 442(l)	5-140,	
5-124(a)(1)	27 442(d)(1)	5-141	27 449(d)
5-124(a)(2)	27 442(d)(2)	5-142	27 444
5-124(b)	27 442(d)(3)	5-143	27 449(f)
5-124(c)	27 442(m)(1)	5-201(a)	27 481C(a)(1)
5-124(d)	27 442(m)(2)	5-201(b)	27 481C(a)(2)
5-124(e)	27 442(l)	5-201(c)	27 481C(a)(4)
5-125	27 442(j)	5-201(d)	27 481C(a)(3)
5-126(a)	27 442(k)(1)	5-201(e)	27 481C(a)(5)
5-126(b)	27 442(k)(2)	5-202	27 481C(a)(6)
5-126(c)	27 442(k)(3)	5-203(a)	27 481C(b),
5-127	27 442(k)(2)		(c)(1), (2)
5-128(a)	27 442A(a)(2)	5-203(b)	27 481C(c)(2)
5-128(b)	27 442A(a)(1)	5-203(c)	27 481C(d)
5-128(c)	27 442A(e)	5-204(a)	27 481B
5-128(d)	27 449(c)	5-204(b)	27 481A
5-129(a)	27 442A(b)(1)	5-204(c)	27 481B
5-129(b)(1)	27 442A(b)(2)	5-205	27 481D
5-129(b)(2)	27 442A(c)	5-301(a)	27 36F(a)
5-129(c)	27 442A(d)	5-301(b)	New
5-129(d)	27 449(c)	5-301(c)	27 36F(b)
5-130(a)	27 441(k)	5-301(d)	New
5-130(b)	27 443A(a)(5)	5-301(e)	27 36E(l)
5-130(c)	27 443A(a)(1)(i)	5-302	27 36E(i)(1)
5-130(d)(1)(i)	New	5-303	New
5-130(d)(1)(ii)	27 443A(a)(1)(ii)	5-304(a)	27 36E(a)
5-130(d)(2)	27 443A(a)(1)(iii)	5-304(b)	27 36E(b)(1)(i),
5-130(e)	27 443A(a)(1)(vi)		(ii)
5-130(f)	27 443A(a)(1)(vii)	5-304(c)	27 36E(e)
5-130(g)(1)	27 443A(a)(2)(i)	5-304(d)	27 36E(b)(2)
5-130(g)(2)	27 443A(a)(2)(ii)	5-304(e)	27 36E(b)(1)(iii)
5-130(g)(3),		5-305	27 36E(c)
(4)	27 443A(a)(3)	5-306(a)(1)	27 36E(a)(1)
5-130(h)(1)	27 443A(a)(1)(v)	5-306(a)(2)	27 36E(a)(2)
5-130(h)(2)	27 443A(a)(4)	5-306(a)(3),	
5-130(i)(1)	27 443A(a)(1)(iv)	(4)	27 36E(a)(4)
5-130(i)(2)	27 443A(c)	5-306(a)(5)(i)	27 36E(a)(5)
5-130(j)	27 443A(b)	5-306(a)(5)(ii)	27 36E(a)(6)
5-131(a)	27 442B(a)	5-306(b)	27 36E(a)(3)
5-131(b)	27 442B(b)	5-307(a)	27 36E(f)
5-131(c)(1)	27 442B(c)	5-307(b)	27 36E(e)

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS 5-308	27	PS 5-502(e)	88B
5-309	27	5-502(f)	88B
5-310	27	5-503(a)	88B
5-311	27	5-503(b)	88B
5-312(a)(1)	27	5-504	88B
5-312(a)(2)	27	6-101(a)	New
5-312(b)		6-101(b)	New
to (d)	27	6-101(c)	New
5-312(e)	27	6-101(d)	New
5-313	27	6-201	38A
5-314	CR	6-202(a)(1)	
5-401(a)	27	to (4)	38A
5-401(b)	27	6-202(b)	38A
5-401(c)	27	6-202(c)(1)	38A
5-401(d)	27	6-202(c)(2),	
5-401(e)	27	(3)	New
5-402(a)	27	6-202(c)(4),	
5-402(b)	27	(5)	38A
5-403	27	6-202(d)	38A
5-404(a)	27	6-203(a),	
5-404(b)(1)	27	(b)	38A
5-404(b)(2)	27	6-204(a)	38A
5-404(b)(2)(i)	27	6-204(b)	38A
5-404(b)(2)(ii)	27	6-204(c)	38A
5-404(b)(3)(i)	27	6-204(a)	38A
5-404(b)(3)(ii)	27	6-205(a)	38A
5-404(b)(3)(iii)	27	6-205(b)	38A
5-404(b)(3)(iv)	27	6-205(c)	38A
5-404(b)(3)(v)	27	6-205(d)	38A
5-404(b)(3)(vi)	27	6-205(e)	38A
5-404(c)	27	6-206(a)	38A
5-404(d)	27	6-206(b)	38A
5-404(e)	27	6-206(c)	38A
5-405(a)(1)	27	6-206(d)	38A
5-405(a)(2)	27	6-206(e)	38A
5-405(a)(3)	27	6-207	38A
5-405(b)	27	6-301	38A
		6-302	38A
		6-303	38A
		6-304(a)	38A
		6-304(b)	38A
		6-304(c)	38A
		6-304(d)	38A
		6-305(a)(1)	38A
		6-305(a)(2)	38A
		6-305(b)	38A
		6-305(c)	38A
		6-305(d)	38A
		6-305(e)	38A
		6-305(f)	38A
		6-306	38A
		6-307(a)	38A
		6-307(b)	38A
		6-307(c)	38A
		6-307(d)	38A
		6-307(e)(1)	38A
		6-307(e)(2),	
		(3)	38A
		6-308	38A
			38A
		6-309	38A
		6-310(a)(1),	
5-501	New		
5-502(a)	88B		
5-502(b)	88B		
5-502(c)	88B		
5-502(d)	88B		
		81(a)(1)	
		81(a)(2)(i)	
		81(a)(2)(iii)	
		81(a)(2)(ii)	
		81(a)(2)(iv)	
		81(a)(5)	
		81(a)(3)	
		81(a)(4)	
		81(b)	
		1(a)	
		1(a)	
		1(a)	
		1(a)	
		2(a)	
		2(b)	
		2(a)	
		1(b)	
		2(d)	
		5	
		6	
		6A	
		3(a), (b)	
		3(e)	
		4(b)	
		3(c)	
		3(d)	
		2(c)	
		7(a)(1)	
		7(a)(2)	
		7(d)	
		7(c)(1)(i)	
		7(c)(1)(ii)	
		7(c)(2)	
		7(c)(1)(iii)	
		8(a)	
		8(c)	
		7(b)	
		8(b)	
		8(n)	
		8(k)	
		33	
		7A	
		8(d)	
		8(e)(1)	
		8(e)(5)	
		8(e)(2)	
		8(e)(4)	
		8(e)(3)	
		8(m)	
		8C	
		8(f)	

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS (2)	38A	8(g)(1)	PS 7-206
6-310(b),			Re-
(c)	38A	8(h)	served
6-311(a)	38A	8(g)(1)	7-207
6-311(b)	38A	8(g)(2)	Re-
6-312(a)	38A	8(i)	served
6-312(b)	38A	8(j)	7-208
6-313	38A	8(l),	25
		14B	7-209(a)
			New
6-314(a),			7-209(b)
(b)	38A	8(j)	25
6-315	38A	8A	7-209(c)(1)
6-316	38A	8B	25
6-317(a)	38A	9(a)	7-209(c)(2)
6-317(b)	38A	13(b)	25
6-318	38A	9(b),	7-209(d)
		10	25
		10	7-210
6-319	38A	11	25
6-320	38A	12	7-211
6-321	38A	2(c)	25
6-322	38A	14A(a)	7-212
6-401	38A	14A(b)	25
6-402	38A	14A(c)	7-213
6-403	38A	14(a)	25
6-501	38A	14(b)	7-301
6-502	38A	14(c)	New
6-503	38A	13(a)	7-302(a)
6-601	38A	11D(a)	87
6-602(a)	27	11D(b)	
6-602(b)	27	11D(c)(1)	7-302(b)
6-602(c)	27	11D(c)(2)	87
6-602(d)	27	11D(d)	7-302(c)
6-602(e)	27	37(a)(1)	87
7-101(a)	38A	37(a)(2)	7-302(d)
7-101(b)	38A	37(a)(3)	87
7-101(c)	38A	41	7-302(e)(1)
7-102	38A	37(b)	87
7-103(a)	38A	37(c)	7-302(e)(2)
7-103(b)	38A	37(d)	87
7-103(c)	38A	38	7-302(e)(3)
7-104	38A	38A	87
7-105	38A	39	7-302(f)
7-106	38A	40	87
7-107	38A	42(a),	
7-201	38A	42A(a)	7-303(a)
		42(b)	87
7-202(a)(1)	38A	42(d)	7-303(b)(1)
7-202(a)(2)	38A	42(c)	87
7-202(b)	38A	42(e)	7-303(b)(2)
7-202(c)	38A	42A(b)(1)	87
7-203(a)(1)	38A	42A(b)(2)	7-303(c)
7-203(a)(2)	38A	42A(b)(2)	87
7-203(b)(1)	38A	42A(b)(3)	7-303(d)
7-203(b)(2)	38A	42A(c),	87
7-203(c)	38A	(d)	7-303(e)
		42B	87
7-204	38A	45	7-401
7-205	38A		38A
			7-402(a)
			27
			7-402(b)
			27
			7-402(c)
			27
			7-402(d)
			27
			8-101(a)
			38A
			8-101(b)
			38A
			8-101(c)
			38A
			8-101(d)
			38A
			8-101(e)
			38A
			8-102
			38A
			8-103
			38A
			8-104(a)
			38A
			8-104(b)
			38A
			8-104(c)
			38A
			8-104(d)
			38A
			8-105(a)(1)
			38A
			8-105(a)(2)
			38A
			8-105(b)
			38A
			8-106
			38A
			45D(a)(1),
			(c)
			49
			50
			51(a)
			53(c)
			51(a)
			53(a)(2)
			51(b)
			51(a),
			52,
			53(c)
			54
			53(b)(1)
			53(b)(2)
			53(b)(3)
			53(b)(7)
			53(b)(4),
			(5)
			53(b)(6)
			68
			11D(a)
			11D(c)(1)
			11D(c)(2)
			11D(d)
			45A(a)
			45A(c),
			(d)
			45A(e)
			45A(f)
			45A(g)
			45B
			45C
			45D(a)
			45D(b)
			45D(c)
			45D(d)
			45D(e)(1)
			45D(e)(2)
			45D(f)
			45D(e)(3)

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS 8-201(a)	38A	PS 9-201(e)	38A
8-201(b)	38A	9-201(f)	38A
8-201(c)	38A	9-201(g)	38A
8-201(d)	New	9-201(h)(1)	38A
8-201(e)	38A	9-201(h)(2)	38A
8-202(a)	38A	9-201(h)(3)	38A
8-202(b)	38A	9-201(i)	38A
8-202(c)(1)	38A	9-202	38A
8-202(c)(2)	38A	9-203	38A
8-202(d)(1)	38A	9-204	38A
8-202(d)(2)	38A		
8-202(e)	38A	9-205	38A
8-203	38A	9-206	38A
8-204	38A	9-301(a)	38A
8-205(a)	38A	9-301(b)	38A
8-205(b)(1)	38A	9-301(c)	38A
8-205(b)(2)	38A	9-302	38A
8-205(c)	38A	9-303(a)	38A
8-205(d)	38A		
8-205(e)	38A	9-303(b)	38A
8-205(f)	38A	9-304	38A
8-206	38A	9-305	38A
8-207(a)	38A	9-306	38A
8-207(b)(1)	38A	9-401(a)	38A
8-207(b)(2)	38A		
8-207(c)	38A		
8-207(d)	38A	9-401(b)	38A
8-208	38A	9-401(c)	38A
8-209	38A	9-401(d)	38A
8-301(a)	New	9-402	38A
8-301(b)	25	9-403(a)	38A
		9-403(b)(1)	38A
8-302	25	9-403(b)(1)(i)	38A
8-303	25	9-403(b)(1)(ii)	38A
		9-403(b)(1)(ii)1,	
		2	38A
9-101(a)	38A	9-403(b)(2)	38A
9-101(b)	38A	9-404(a)	38A
9-102(a)	38A	9-404(b)	38A
9-102(b)	38A	9-501(a)	38A
9-102(c)	38A	9-501(b)	38A
9-102(d)	38A	9-502	38A
9-103(a)	38A	9-503(a)	38A
9-103(b)	38A		
9-103(c)	38A	9-503(b)	38A
9-103(d)	38A	9-504(a)	38A
9-104(a)(1)	38A		
9-104(a)(2)	38A	9-504(b)	38A
9-104(b)	38A	9-505	38A
9-104(c)	38A	9-506(a)	38A
9-104(d)	38A	9-506(b)	38A
9-105(a)	38A	9-601(a)	38A
9-105(b)	38A	9-601(b)	38A
9-106	38A	9-601(c)	38A
9-107	38A	9-602	38A
9-108	38A	9-603	38A
9-109	38A	9-604	38A
9-201(a)	38A	9-605	38A
9-201(b)	38A	9-606(a)	38A
9-201(c)	38A	9-606(b)	38A
9-201(d)	38A		

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS 9-701(a)	23A 25	6(a)(1), 11(a)	PS 10-101(k) 38A 10-102 38A
9-701(b)	23A 25	6(a)(1), 11(a)	10-103 38A 10-104 38A
9-701(c)	23A 25	6(a)(2), 11(a)	
9-701(d)	25	11(a)	10-105
9-701(e)	25	11(b)	to 10-107 38A
9-702(a)	23A 24	6(b)(1)(i), (iv), 5-101(a), (e)	10-108 38A 10-109 38A 10-110 38A
9-702(b)(1)(i)	24	5-102	10-111 38A
9-702(b)(1)(ii)	23A	6(b)(2)	10-112 38A
9-702(b)(2)	23A 24	6(b)(1)(iii), (3), 5-101(d), 5-103	10-113 38A 10-201(a)(1) 38A 10-201(a)(2) New 10-201(a)(3) 38A
9-702(c)(1)	23A 24	6(b)(4), 5-104	10-201(b) 38A 10-201(c)
9-702(c)(2)(i)	24	5-107(b)	to (f) 38A
9-702(c)(2)(ii)	23A	6(b)(7)(ii)	10-201(g) 38A
9-702(c)(3)	23A 24	6(b)(8), 5-108	10-202 38A
9-702(d)(1)	23A 24	6(b)(5)(i), 5-105(a)	10-203 38A 10-204(a) 38A
9-702(d)(2)	23A 24	6(b)(5)(ii), 5-105(b)	10-204(b) 38A
9-702(d)(3)(i)	24	5-106	10-205 38A
9-702(d)(3)(ii)	23A	6(b)(6)	
9-702(d)(4)	23A 24	6(b)(7)(i), 5-107(a)	
9-801(a)	New		
9-801(b), (c)	48	181(a)	
9-802	New		10-206 38A
9-803	48	181(a)	
9-804(a)	48	181(b)	
9-804(b)	48	181(c)	
9-804(c)	48	183	10-207 38A
9-805	48	182	
9-901	New		
9-902(a)	38A	3(f)(2)	
9-902(b)	38A	3(f)(3)	
9-903(a)(1)	38A	3(f)(4), (g)(1)	10-208 38A
9-903(a)(2)	38A	3(g)(2)	10-209 38A
9-903(b)	38A	3(g)(3)	
9-904	38A	8(o)	
9-905	38A	13(a)	10-210 38A
9-1001	38A	67	
10-101(a)	New		11-101(a) 38A
10-101(b)	38A	15(b)	
10-101(c)	38A	15(c)	
10-101(d)	38A	15(e)	11-101(b) 38A
10-101(e)	38A	15(g)	11-101(c) 38A
10-101(f)	38A	15(a)	11-101(d) 38A
10-101(g)	38A	15(f)	11-101(e) 38A
10-101(h)	38A	15(i)	11-101(f) 38A
10-101(i)	38A	15(h)	11-102 38A
10-101(j)	38A	15(d)	11-103 38A

TABLES OF COMPARABLE SECTIONS

Revised Provision Art. Sec.	Former Provision Art.	Former Provision Sec.	Revised Provision Art. Sec.	Former Provision Art.	Former Provision Sec.
PS 11-104(a)			PS 11-203(a)(2)	88B	30A(c)(2)
(1), (2)	38A	33	11-203(b)	88B	30A(c)(3)
11-104(b),			11-204	88B	30A(d)
(c)	38A	33	11-205(a)	88B	30A(e)(1)
11-104(d)	38A	32(d)	11-205(b)	88B	30A(e)(2)
11-105(a)	38A	27,	11-205(c)	88B	30A(e)(3)
		27A,	11-206	88B	30A(g)
		27B(b)	12-101	89	2A
11-105(b)(1)	38A	27B(c)	12-201(a)(1)	New	
11-105(b)(2)	38A	29	12-201(a)(2)	New	
11-105(c)	38A	35	12-201(a)(3)	83B	6-101(b)(2)(i)
11-105(d)(1)	38A	27B(a)	12-201(b),		
11-105(d)(2)	38A	27B(d)(1)	(c)	83B	6-101(a)
11-105(d)(3)	38A	27B(d)(2)	12-201(d)	83B	6-101(c)
11-106(a)	38A	28(a)	12-201(e)(1)	83B	6-101(b)(1)(i)
		to (d)	12-201(e)(2)	83B	6-101(b)(1)(ii)
11-106(b)	New		12-201(e)(3)	83B	6-101(b)(2)(ii)
11-106(c)	38A	28(c)	12-201(e)(4),		
11-106(d)	38A	32(c)	(5)	83B	6-101(b)(1)(iii)
11-106(e)	New		12-201(f)(1)	83B	6-101(b)(2)(iii)
11-107(a)	38A	28(a)	12-201(f)(2)		
		to (d)	to (4)	83B	6-101(d)
11-107(b)	38A	28(a)	12-201(f)(5)	83B	6-101(e)
		to (d)	12-201(g)	83B	6-101(d)
11-107(c)(1)	38A	28(d)	12-202(a)	New	
11-107(c)(2)	38A	28(c)	12-202(b)(1)	83B	6-102(a)(1)
11-107(d)	38A	29A	12-202(b)(2)	83B	6-102(a)(2)
11-107(e)	38A	28(e)	12-202(c)	83B	6-102(b)(1)
11-108	38A	19(e)	12-202(d)	83B	6-102(b)(2)
11-109	38A	32(b)	12-202(e)	83B	6-102(a)(3)(i)
11-110(a),			12-202(f)(1)	83B	6-102(a)(3)(ii)
(b)	38A	29	12-202(f)(2)	83B	6-102(a)(3)(iii)
11-111	38A	32(a)	12-202(f)(3)	83B	6-102(a)(3)(iv)
11-112	38A	30	12-202(g)	83B	6-102(a)(4)
11-113	38A	33A	12-202(h)	83B	6-102(d)
11-114(a)	38A	27	12-202(i)	83B	6-102(c)
11-114(b)	38A	27A	12-203(a)	New	
11-114(c)	38A	31	12-203(b)	83B	6-103(a)(1)
11-114(d),			12-203(c)	83B	6-103(a)(2)
(e)	38A	29			(intro.
11-114(f)	38A	34			lang.)
11-114(g)	38A	34,	12-203(d)	83B	6-103(b)
		34C	12-203(e)	83B	6-103(a)(2)(i),
11-115(a)(1)	38A	27B(b)			(ii), (3)
11-115(a)(2)	38A	27B(c)	12-203(f)(1)	83B	6-103(c)(1)
11-115(a)(3)	38A	27B(d)(1)	12-203(f)(2)	83B	6-103(f)
11-115(b)	38A	31A	12-203(f)(3)	83B	6-103(d)(3)
11-115(c)			12-203(g)(1)	83B	6-103(c)(2)
to (e)	38A	34D	12-203(g)(2)	83B	6-103(c)(3)
11-116(a)	38A	34A	12-203(h)	83B	6-103(c)(4)
11-116(b)	38A	34B	12-203(i)(1)	83B	6-103(d)(1)
11-117	38A	34E	12-203(i)(2)	83B	6-103(d)(2)
11-118	38A	34G	12-203(i)(3)	83B	6-103(d)(1)
11-201(a)	88B	30A(a)(1)	12-203(j)	83B	6-103(e)
11-201(b)	New		12-204(a)(1)	83B	6-104(a)(1)
11-201(c)	88B	30A(a)(2)	12-204(a)(2)	83B	6-104(a)(2)
11-201(d)	88B	30A(a)(3)	12-204(a)(3)	New	
11-202(a)	88B	30A(b)	12-204(a)(4)	83B	6-104(a)(3)(i)
11-202(b)	88B	30A(f)	12-204(b)	83B	6-104(a)(3)(ii)
11-203(a)(1)	88B	30A(c)(1)	12-204(c)	83B	6-104(b)(1)

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS 12-204(d)	83B	PS 12-405(c)	83B
12-204(e)	83B	12-405(d)	83B
12-204(f)	83B	12-406	83B
12-204(g)	83B	12-407	83B
12-301(a)	New	12-501(a)	83B
12-301(b)	83B	12-501(b)	83B
12-301(c)	83B	12-501(c)	New
12-301(d)	83B	12-501(d)	83B
12-301(e)	83B		6-401(d), (e)
12-301(f)	83B	12-501(e)	83B
12-301(g)	83B	12-501(f)	83B
12-301(h)	83B	12-501(g)	83B
12-301(i)	83B	12-502(a)	83B
12-302	83B	12-502(b)	83B
12-303	83B	12-502(c)	83B
12-304(a)	83B	12-503(a)(1)	83B
12-304(b)	83B	12-503(a)(2)	83B
12-305(a)	83B	12-503(b)	83B
12-305(b)	83B	12-503(c)	83B
12-305(c)	83B	12-504	83B
12-305(d)	83B	12-505(a)(1), (2)	83B
12-306(a)	83B	12-505(a)(3)	83B
12-306(b)	83B	12-505(b)	83B
12-307(a)(1), (2)	83B	12-505(c)	83B
12-307(b)(1), (2)	83B	12-506(a)	83B
12-307(b)(3), (4)	83B	12-506(b)(1)	83B
12-308(a) to (c)	83B		6-401(j), 6-404(a)(1), 6-405(a)(3)
12-309(a)	83B	12-506(b)(2)	83B
12-309(b)	83B	12-506(c)(1)	83B
12-309(c)	83B	12-506(c)(2)	83B
12-310(a), (b)	83B	12-506(c)(3)	83B
12-310(c)	83B	12-506(d)	83B
12-311(a)	83B	12-506(e)	83B
12-311(b)	83B		6-404(c) to (e)
12-311(c)	83B	12-507(a)(1)	83B
12-311(d)(1), (2)	83B	12-507(a)(2)	83B
12-312	83B	12-507(b)(1)	83B
12-313(a)	83B	12-507(b)(2)	83B
12-313(b)	83B	12-507(b)(3)	83B
12-313(c)	83B	12-601(a)	New
12-401(a)	83B	12-601(b)	38A
12-401(b)	New	12-601(c)	38A
12-401(c)	New	12-602(a)	38A
12-401(d)	83B	12-602(b)	38A
12-401(e)	83B	12-603	38A
12-401(f)	83B	12-604	38A
12-402(a)	83B	12-605(a)	38A
12-402(b)	83B	12-605(b)	New
12-403	83B	12-605(c)	38A
12-404(a), (b)	83B	12-606	38A
12-405(a)(1), (2)	83B		65, 66
12-405(b)	83B	12-607	38A
		12-701	27
		12-702(a)	New
		12-702(b)	38A
		12-702(c)	38A
		12-702(d)	38A
		12-702(e)(1)	38A
			58(f)
			58(a)
			58(e)
			58(b)
			120C

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS 12-702(e)(2)	38A	58(c), (d)(1) to (4)	PS 89 89 89
12-702(e)(3)	38A	58(d)(2)	49B(b)(13)
12-702(f)	38A	58(b)	49B(i)(4)(i)
12-702(g)	38A	58(g)	49B(b)(12), (i)(4)(ii), (iii)
12-703	48	116	49B(i)(5)
12-704	48	117	49B(i)(3)
12-801(a)	89	49B(b) (intro. lang.), 49C(a)(1)	49B(f) 49B(h) 49B(p) 49B(q)(2) 49B(q)(1)
12-801(b)	89	49C(a)(2)	49B(b)(14), (q)(3)
12-801(c)	89	49B(b)(5)	
12-801(d)	89	49B(b)(10)	12-817
12-801(e)	89	49B(b)(2)	Re- served
12-801(f)	89	49B(b)(1)	
12-801(g)	89	49C(a)(4)	12-818
12-801(h)	89	49C(a)(5)	Re- served
12-801(i)	New		
12-801(j)	New		12-819
12-801(k)	New		89
12-801(l)	New		12-820
12-801(m)	89	49B(b)(3)	89
12-801(n)	89	49C(a)(6)	12-821
12-801(o)	89	49B(b)(4)	89
12-801(p)	New		12-822(a)
12-801(q)	New		89
12-802	Re- served		12-822(b)
			89
12-803	Re- served		12-823
			89
12-804(a)	89	49B(o)	12-824
12-804(b)	89	49B(k)	89
12-805(a), (b)	89	49B(e)	12-825
12-805(c)	89	49B(l)	89
12-805(d)	89	49B(j)	12-826(a)
12-806(a), (b)	89	49B(d)	89
12-806(c)	89	49B(b)(9), (d)	12-826(b)
			89
12-806(d)	89	49B(g)	12-826(c)
12-807(a)	89	49B(a)	89
12-807(b)	89	49B(n)	12-826(d)
12-808	89	49B(c)	89
12-809(a)	89	49B(m)	12-826(e)
12-809(b)	89	49B(i)(6) to (8)	89
			49C(a)(3), (h)(2)(ii), (3)
12-810(a)	89	49B(b)(11)	12-827(a)
12-810(b)	89	49B(b)(12)	89
12-810(c)	89	49B(i)(2)(i)	12-827(b)
12-810(d)	89	49B(i)(2)(ii)	89
12-811(a)	89	49B(i)(1)	12-827(c)
12-811(b)	89	49B(a), (i)(1)	New
			12-828
12-811(c)	89	49B(a)	89
12-812(a)	89	49B(i)(1)	12-829
			89
			12-830
			89
			12-831
			89
			12-832(a)
			89
			12-832(b)
			89
			12-832(c)
			New
			12-832(d)
			New
			12-833
			89
			12-834
			89
			12-835
			89
			12-836
			89
			12-837
			89
			12-838
			89
			12-839
			89
			12-840
			89
			12-841
			89
			12-901(a)
			48
			12-901(b)
			48
			12-901(c)
			48
			12-901(d)
			New
			49C(j) 49C(k) 49C(l) 49C(m) 49C(n)(1) 49C(n)(2) 49C(o) 49C(q) 49C(p) 49C(u) 49C(r) 49C(s) 49C(t) 49C(v) 49C(w) 168 169(a) 168(a)

TABLES OF COMPARABLE SECTIONS

Revised Provision Art. Sec.	Former Provision Art.	Former Provision Sec.	Revised Provision Art. Sec.	Former Provision Art.	Former Provision Sec.
PS 12-901(e)	48	168(c)	PS 12-1001(m)	83B	6-502(l)
12-901(f)	New		12-1002	83B	6-501
12-901(g)	48	168(a)(3)	12-1003(a),		
12-901(h)	48	168(a)(2)	(b)	83B	6-505(a)
12-901(i)	48	168(a)(1)	12-1003(c)	83B	6-505(b)(2)
12-901(j)(1)	48	168(b)	12-1003(d)(1)	83B	6-505(c)(1)
12-901(j)(2)	48	172(d)	12-1003(d)(2)	83B	6-505(c)(2)
12-901(k)	New		12-1003(d)(3)	83B	6-505(c)(3)
12-902	48	167	12-1003(d)(4)	83B	6-505(c)(4)
12-903(a)	48	168(a)	12-1003(d)(5)	83B	6-505(c)(5)
12-903(b)	48	172(a),	12-1003(e)	83B	6-505(b)(1)
		(c)	12-1003(f)	83B	6-505(c)(6)
12-903(c)	48	172(e)	12-1003(g)	83B	6-505(e)
12-904	48	169	12-1003(h)	83B	6-505(d)
12-905	48	170	12-1004(a)	83B	6-503(a)
12-906(a)	48	173(a)	12-1004(b)	83B	6-503(b)
12-906(b)	48	173(b)	12-1004(c)	83B	6-503(d)
12-906(c)	48	173(c)	12-1005	83B	6-504
12-906(d)	48	178(c)	12-1006	83B	6-503(e)
12-907	48	174,	12-1007(a)	83B	6-503(c)(2)
		175,	12-1007(b)(1)	83B	6-503(f)(1)
		178(b)	12-1007(b)(2)	83B	6-503(f)(2)
12-908	48	171	12-1007(c)	83B	6-503(f)(3)
12-909(a)	48	172(b)	12-1007(d)	83B	6-503(f)(4)
12-909(b)	48	176(a)	12-1007(e)	83B	6-503(f)(5)
12-909(c)(1)	48	176(c)(1)	13-101(a)	New	
12-909(c)(2)	48	176(c)(2)	13-101(b)	New	
12-909(c)(3)	New		13-101(c)	65	62
12-909(d)	48	168(c),	13-101(d)	65	15(a)
		176(b)(1)	13-101(e)	65	8(a)
		to (6)	13-201(a)	23	331
12-909(e)	48	176(d)	13-201(b)	65	59
12-909(f)	48	176(e)	13-202	65	1
12-909(g)	48	176(f)	13-203(a)	65	5(a)
12-909(h)	48	176(b)(7)	13-203(b)	65	5(b)
12-909(i)	48	178(a)	13-203(c)	65	5(c)
12-910(a)	48	177(a)	13-204(a)	65	12
12-910(b)	48	177(b)	13-204(b)	65	12,
12-911	48	177(c)			14
		to (e)	13-204(c)	65	14
12-912	48	176B	13-204(d)	65	12,
12-913	48	176C			14
12-914	48	176D	13-205	65	24
12-915	48	176A	13-206	65	25
12-916	48	178A(a)	13-207	65	26
12-917	48	178A(b)	13-208	65	55
12-918	48	168(a)	13-209(a)	65	9(e)
12-919	48	180A	13-209(b)	65	9(f)
12-1001(a)	83B	6-502(a)	13-209(c)	65	5(b)
12-1001(b)	83B	6-502(b)	13-210	65	16
12-1001(c)	83B	6-502(c)	13-211	65	37
12-1001(d)	83B	6-502(d)	13-212	65	54
12-1001(e)	New		13-213	65	18
12-1001(f)	83B	6-502(e)	13-214	65	35
12-1001(g)	83B	6-502(f)	13-215	65	6
12-1001(h)	83B	6-502(g)	13-216	65	60
12-1001(i)	83B	6-502(h)	13-217	65	61
12-1001(j)	83B	6-502(i)	13-301(a)(1)	41	10-101,
12-1001(k)	83B	6-502(j)		65	9(a)
12-1001(l)	83B	6-502(k)			(intro.

TABLES OF COMPARABLE SECTIONS

Revised Provision Art. Sec.	Former Provision Art.	Former Provision Sec.	Revised Provision Art. Sec.	Former Provision Art.	Former Provision Sec.
PS	65	lang.),	PS 13-606,		
		10	13-607	65	22
13-301(a)(2)	65	9(a)(1)	13-608	65	23
13-301(a)(3)	65	10	13-701(a)	65	2
13-301(a)(4)	65	9(a)(2)	13-701(b)	65	4
13-301(a)(5)	65	9(e), (j),	13-702	65	8
		10	13-703	65	28
13-301(b)	65	9(d)	13-704(a)	65	32(a)
13-301(c)	65	9(k)	13-704(b)	65	32(b)
13-301(d)	65	10	13-704(c)	65	32
13-302(a)	65	7	13-704(d)	65	33
13-302(b)			13-705	65	32A
to (e)	65	10	13-706	65	41
13-302(f)	65	9(a)(4)	13-707	65	42
13-302(g)	65	10	13-708	65	52
13-303(a)	65	9(b)(1), (2),	13-801	65	43,
		(c)(1), (2),			44
		(h)	13-802(a),		
13-303(b)	65	9(b)(4), (5),	(b)	65	43
		(c)(4), (5)	13-802(c)	65	47
13-303(c)	65	9(b)(6),	13-802(d)	65	43
		(c)(6)	13-803	65	47(a),
13-303(d)	65	9(e), (j)			(b)
13-304	65	9(a)(3),	13-804	65	44
		(b)(3),	13-805	65	44,
		(c)(3),			48
		10	13-806		
13-305	65	9(i)	to 13-808	65	43
13-306	65	9(e), (g)	13-809	65	46
13-401(a)(1)	65	15(b)	13-810	65	44
13-401(a)(2)	65	17	13-811	65	48
13-401(a)(3)	65	15(b)	13-812(a)	65	43,
13-401(b)	65	15(c)			44,
13-401(c)	65	15(d)			48
13-402	65	8A	13-812(b)	65	43
13-403	65	40	13-812(c)	65	43,
13-404	65	8B			44
13-405	65	12A	13-812(d)	65	48
13-501(a),			13-812(e)	65	44
(b)	65	62	13-813	65	44
13-502	65	62,	13-814(a)		
		63	to (d)	65	45
13-503(a)	65	62	13-814(e)	41	2-403
13-503(b)	65	72	13-901	96½	42
13-503(c)	65	71	13-902	65	49
13-504(a)	65	64	13-903	65	50
13-504(b)	65	73	13-904,		
13-504(c),			13-905	65	51
(d)	65	74	14-101(a)	16A	3
13-504(e)	65	75			(intro.
13-505	65	66			lang.)
13-506	65	68	14-101(b)	New	
13-507	65	69	14-101(c)	16A	3(d)
13-508	65	70	14-101(d)	16A	3(a)
13-601	65	20	14-101(e)	16A	3(b)
13-602	65	19	14-101(f)	New	
13-603(a),			14-101(g)	16A	3(c)
(b)	65	21	14-102	16A	2
13-604	65	21	14-103	16A	4(a)(1)
13-605	65	36		65	15A

TABLES OF COMPARABLE SECTIONS

Revised Provision Art. Sec.	Former Provision Art. Sec.	Revised Provision Art. Sec.	Former Provision Art. Sec.
PS 14-104(a)	16A	4(a)(2)(i)	PS 14-208(c)
14-104(b)	16A	4(a)(2)(ii)	16A
14-104(c)(1)	16A	4(a)(2)(ii), (iii)	14-208(d)
14-104(c)(2)	16A	4(b)(1)	14-209
14-104(d)(1)	16A	4(a)(2)(i)	16A
14-104(d)(2), (3)	16A	4(c)	14-210
14-104(d)(4)	16A	8	16A
14-104(d)(5)	16A	4(c)	14-211
14-104(e)	16A	4(b)(1)	16A
14-104(f)	16A	4(b)(2)	14-212(a)
14-105(a), (b)	16A	5(a)	16A
14-105(c), (d)	16A	5(b)	14-212(b)
14-106	16A	6	16A
14-107(a)	16A	6A(a), (b)	14-213(a)
14-107(b)	16A	6A(b)	16A
14-107(c)	16A	6B	14-213(b)
14-107(d)	16A	6A(c)	16A
14-108	16A	6D	14-214(a)
14-109(a), (b)	16A	7(a)(1)	16A
14-109(c)	16A	7(a)(1), (b), (c)	14-214(b)
14-109(d)	16A	9(a)	16A
14-110(a)	16A	4(d)	14-214(c)
14-110(b)	16A	7(a)(2)	16A
14-111	16A	6C	14-215
14-112(a)	16A	9(e)	16A
14-112(b)	16A	9(d)	14-216(a)
14-112(c)	16A	10	16A
14-112(d)(1)	16A	9(b)	14-216(b)
14-112(d)(2)	16A	9(c)	16A
14-113	16A	12	14-216(c)
14-114	16A	12A	16A
14-115	16A	1	14-216(d)
14-201(a)	New	14(f)	14-217(a)
14-201(b)	16A	14(a), (c)	16A
14-201(c)	16A	14(b), (c)	14-217(b)
14-201(d)	16A	13	16A
14-202	16A	15(a)	14-218(a)
14-203(a)	16A	14(c)	16A
14-203(b)	16A	15(a)	14-218(b)
14-204(a)	16A	15(b)	16A
14-204(b)	16A	16	14-218(c)
14-205	16A	28	16A
14-206(a)	16A	30	14-218(d)
14-206(b)	16A	14(d), 21	16A
14-207(a)	16A	14(d), 29	14-301(a)
14-207(b)	16A	14(d), 17(a)	41
14-208(a)	16A	17(c)	14-301(b)
14-208(b)	16A	17(c)	41
			14-301(c)
			41
			14-302
			41
			14-303(a)
			41
			14-303(b)
			41
			14-303(c), (d)
			41
			14-304(a)
			41
			14-304(b)
			41
			14-304(c)
			41
			14-304(d)
			41
			14-304(e)
			41
			14-304(f)
			41
			14-305(a), (b)
			41
			14-305(c)
			41
			14-305(d), (e)
			41
			14-306(a)
			41
			14-306(b)
			to (d)
			41
			14-307
			41
			14(d), 17(d)
			17(e)
			14(d), 18
			19
			14(d), 20
			22(a)
			22(b)
			14(d), 23(a)
			23(c)
			14(d), 24(a)
			14(d), 24(b)
			24(c)
			25
			14(d), 26(a)
			26(b)
			26(c)
			26(d)
			14(d), 27
			27
			17(b)
			22(c)
			23(b)
			17(b), 22(c), 23(b)
			2-101(b)
			2-101(c-1)(1)
			2-101(b)(1), (c-1)(1)
			2-101(a)
			2-101(c)
			2-101(b)(2), (c)
			2-101(c)
			2-101(c-1)(1)
			2-101(c-1)(1)
			(i) to (iii)
			2-101(c-1)(2)
			2-101(c-1)(4)
			2-101(c-1)(3)
			2-101(c-1)(5)
			2-101(d)
			2-101(b)(4), (d)
			2-101(d)
			2-101(b)(5)
			2-101(e)
			2-103

TABLES OF COMPARABLE SECTIONS

Revised Provision	Former Provision	Revised Provision	Former Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
PS 14-308	41	PS 14-510	41
14-309(a)	41	14-511	41
14-309(b)	41	14-601	41
14-309(c)(1)	41	14-602	41
		14-603	41
14-309(c)(2)	41	14-604	41
14-401	New	14-605	41
14-402	16A	14-701	41
14-403	16A	14-702	41
14-404	16A	14-801(a)	16A
14-405	16A	14-801(b)	16A
14-406	16A	14-801(c)	16A
14-501(a)	41	14-801(d)	16A
14-501(b)	New	14-801(e)	16A
14-501(c)	41	14-802	16A
14-501(d)	New	14-803	16A
14-501(e)	41	14-901(1),	
14-501(f)	41	(2)	89
14-501(g)	41	14-901(3)	89
14-501(h)	New	14-901(4)	89
14-501(i)	New	14-902	89
14-501(j)	41	14-903(a)	89
14-501(k)	41	14-903(b)	89
14-501(l)	41	14-903(c),	
14-502(a)	41	(d)	89
14-502(b)	41	14-904(a),	
14-503(a)	41	(b)	89
		14-904(c)(1)	89
14-503(b)	41	14-904(c)(2)	89
14-504(a)	41	14-905	89
14-504(b)	41	14-906(a)	
		to (c)	89
		14-906(d)(1)	
		to (4)	89
14-504(c)	41	14-907	89
14-505	41	14-908	89
14-506	41	14-1001	82
14-507	41	14-1002(a)	82
14-508	41	14-1002(b)	82
14-509	41	14-1003	82
		14-1004	82
			4

Editor's note. — The following tables reflect the enactment of the Local Government Article by ch. 119, Acts 2013.

**COMPARABLE SECTIONS FOR FORMER PROVISIONS
AND REVISED PROVISIONS**

Table I

Former Provision to Revised Provision

Former Provision	Revised Provision	Former Provision	Revised Provision
Art. Sec.	Art. Sec.	Art. Sec.	Art. Sec.
23A 2(a)	LG (part) 5-201	23A 2(a)	LG (part) 5-203(b)
2(a)	(part) 5-202	2(b)	(intro. lang.) 18-

TABLES OF COMPARABLE SECTIONS

Former Provision Art. Sec.	Revised Provision Art.	Former Provision Art. Sec.	Revised Provision Art. Sec.
23A	LG	23A 2(b)(28)	LG 5-217
2(b)	(intro. lang.)	2(b)(29)	5-206(e)
	5-203(a)	2(b)(30)	5-213
2(b)(1)	5-205(c)	2(b)(31)	(part) 18-301(a)
2(b)(2)	5-205(b)	2(b)(31)	(part) 18-301(b)
2(b)(3)	5-205(a)	2(b)(32)	5-204(e)
2(b)(4)	5-216(c)	2(b)(33)	5-205(d)
2(b)(5)	5-211(a)	2(b)(34)	5-207(c)
2(b)(6)	5-209(e)	2(b)(35)	5-214(b)
2(b)(7)	5-210	2(b)(36)	5-212
2(b)(8)	5-204(a)	2(b)(37)	5-215
2(b)(9)	5-207(c)	2(b)(38)	5-205(e)
2(b)(10)	5-207(b)	8C(a)	1-901
2(b)(11)	5-205(a)	8C(b)	5-102
2(b)(12)	(part) 5-207(a)	24 5-101(a)	1-1308(a)
2(b)(12)	(part) 5-207(b)	5-101(b)	1-1308(c)
2(b)(13)	1-708(c)	5-101(c)	1-1308(d)
2(b)(13)	5-204(d)	5-101(d)	1-1308(e)
2(b)(14)	5-209(d)	5-101(e)	1-1308(f)
2(b)(15)	2nd sent.	25 2(a)	(part) 12-504(b)
	5-209(a)	2(a)	(part) 12-504(c)
2(b)(15)	1st sent. (part)	2(a)	(part) 12-504(d)
	-209(b)	2(a)	(part) 12-504(e)
2(b)(15)	1st sent. (part)	2(a)	(part) 12-508(b)
	5-209(c)	2(a)	(part) 12-508(c)
2(b)(16)	5-211(b)	2(a)	(part) 12-508(d)
2(b)(17)	5-205(d)	2(a)	(part) 12-903(b)
2(b)(18)	5-204(f)	2(a)	(part) 12-903(c)
2(b)(19)	5-206(a)	2(a)	(part) 13-202(b)
2(b)(20)	5-216(a)	2(a)	(part) 13-202(c)
2(b)(21)	5-206(c)	2(b)	12-504(e)
2(b)(22)	5-207(a)	2(b)	12-508(d)
2(b)(23)	5-207(c)	2(b)	12-903(c)
2(b)(23A)	5-208	2(b)	13-202(c)
2(b)(24)	1st sent.	11	12-530
	5-204(c)	219	1-901
2(b)(24)	2nd sent.	236D(a)	12-806(a)
	5-216(b)	236D(b)	12-806(c)
2(b)(24A)	5-205(c)	41 18-201(a)	SF 4-316(a)
2(b)(25)	5-206(d)	18-201(b)	4-316(c)
2(b)(26)	5-206(b)	18-201(c)	4-316(b)
2(b)(27)	5-204(b)		

TABLES OF COMPARABLE SECTIONS

Table II

Revised Provision to Former Provision

Revised Provision Art. Sec.	Former Provision Art.	Former Provision Sec.	Revised Provision Art. Sec.	Former Provision Art.	Former Provision Sec.
LG 1-708(c)	23A	2(b)(13)	LG	23A	sent.
1-901	23A	8C(a)	5-209(b)	23A	2(b)(15) 1st sent. (part)
1-1308(a)	24	5-101(a)	5-209(c)	23A	2(b)(15) 1st sent. (part)
1-1308(c)	24	5-101(b)	5-209(d)	23A	2(b)(14)
1-1308(d)	24	5-101(c)	5-209(e)	23A	2(b)(6)
1-1308(e)	24	5-101(d)	5-210	23A	2(b)(7)
1-1308(f)	24	5-101(e)	5-211(a)	23A	2(b)(5)
5-102	23A	8C(b)	5-211(b)	23A	2(b)(16)
5-201	23A	2(a) (part)	5-212	23A	2(b)(36)
5-202	23A	2(a) (part)	5-213	23A	2(b)(30)
5-203(a)	23A	2(b) (intro. lang.)	5-214(b)	23A	2(b)(35)
5-203(b)	23A	2(a) (part)	5-215	23A	2(b)(37)
5-204(a)	23A	2(b)(8)	5-216(a)	23A	2(b)(20)
5-204(b)	23A	2(b)(27)	5-216(b)	23A	2(b)(24) 2nd sent.
5-204(c)	23A	2(b)(24) 1st sent.	5-216(c)	23A	2(b)(4)
5-204(d)	23A	2(b)(13)	5-217	23A	2(b)(28)
5-204(e)	23A	2(b)(32)	12-504(b)	25	2(a) (part)
5-204(f)	23A	2(b)(18)	12-504(c)	25	2(a) (part)
5-205(a)	23A	2(b)(3)		25	25(a)
	23A	2(b)(11)	12-504(d)	25	2(a) (part)
5-205(b)	23A	2(b)(2)	12-504(e)	25	2(a) (part)
5-205(c)	23A	2(b)(1)		25	2(b)
	23A	2(b)(24A)	12-508(b)	25	2(a) (part)
5-205(d)	23A	2(b)(17)	12-508(c)	25	2(a) (part)
	23A	2(b)(33)	12-508(d)	25	2(a) (part)
5-205(e)	23A	2(b)(38)		25	2(b)
5-206(a)	23A	2(b)(19)	12-530	25	11
5-206(b)	23A	2(b)(26)	12-806(a)	25	236D(a)
5-206(c)	23A	2(b)(21)	12-806(c)	25	236D(b)
5-206(d)	23A	2(b)(25)	12-903(b)	25	2(a) (part)
5-206(e)	23A	2(b)(29)	12-903(c)	25	2(a) (part)
5-207(a)	23A	2(b)(12) (part)	13-202(b)	25	2(a) (part)
	23A	2(b)(22)	13-202(c)	25	2(a) (part)
5-207(b)	23A	2(b)(10)		25	2(b)
	23A	2(b)(12) (part)	18-301(a)	23A	2(b) (intro. lang.)
5-207(c)	23A	2(b)(9)		23A	2(b)(31) (part)
	23A	2(b)(23)	18-301(b)	23A	2(b)(31) (part)
	23A	2(b)(34)			
5-208	23A	2(b)(23A)			
5-209(a)	23A	2(b)(15) 2nd			

Sections Affected by 2017 Legislation

NOTE: In addition to the sections listed below, users of this edition should be aware that additional section and case notes annotations have also been appropriately incorporated throughout this publication. The sections with new and/or revised annotations do *not* appear in this listing.

LEGEND

BR = Business Regulation CJ = Courts and Judicial Proceedings CP = Criminal Procedure ED = Education FL = Family Law HG = Health-General IN = Insurance LG = Local Government PS = Public Safety SF = State Finance and Procurement SPP = State Personnel and Pensions TP = Tax-Property	CA = Corporations and Associations CL = Commercial Law CR = Criminal Law EN = Environment GP = General Provisions HO = Health Occupations LE = Labor and Employment NR = Natural Resources RP = Real Property SG = State Government TG = Tax-General TR = Transportation
---	---

Article	Section	Action	Effective Date	Chapter	Bill No.	Sec. No.
CA	1-203.1	Amended	June 1, 2017	149	SB 317	1
CA	5-207	Amended	Oct. 1, 2017	674	HB 744	2
CJ	2-608	Amended	Oct. 1, 2017	169	SB 207	1
CJ	2-608	Amended	Oct. 1, 2017	170	HB 166	1
CJ	3-801	Amended	June 1, 2017	156	SB 912	1
CJ	3-801	Amended	June 1, 2017	157	HB1219	1
CJ	3-801	Amended	Oct. 1, 2017	655	SB 272	1
CJ	7-301	Amended	Oct. 1, 2017	797	SB 811	1
CJ	7-301	Amended	Oct. 1, 2017	798	HB 972	1
CJ	7-302	Amended	Oct. 1, 2017	410	HB 941	1
CP	2-208	Amended	Oct. 1, 2017	309	HB1343	1
CP	2-208.6	New	Oct. 1, 2017	309	HB1343	1
CR	10-305	Amended	Oct. 1, 2017	732	SB1191	1
ED	7-408	Amended	Oct. 1, 2017	175	SB 201	1
ED	7-408	Amended	Oct. 1, 2017	176	HB1066	1
ED	18-101	Amended	June 1, 2017	149	SB 317	1
EN	3-401	Amended	June 1, 2017	307	HB 677	1
EN	6-501	New	Oct. 1, 2017	385	HB 66	1
EN	6-501	New	Oct. 1, 2017	385	HB 66	1
HG	10-807	Amended	Jan. 1, 2018	103	HB 127	1
HO	14-508	New	Oct. 1, 2017	770	HB 957	1
HO	14-606	Amended	Apr. 18, 2017	217	SB 549	1
HO	14-606	Amended	Apr. 18, 2017	218	HB1265	1
LE	3-203	Amended	Oct. 1, 2017	631	SB74	1
SG	2-1220	Amended	Oct. 1, 2017	524	HB 792	1
SG	2-1220	Amended	May 27, 2017	811	SB 488	1
SG	2-1220	Amended	May 27, 2017	812	HB1317	1
TG	4-103	Amended	Oct. 1, 2017	631	SB74	1
TG	4-104	Amended	Oct. 1, 2017	631	SB74	1
TG	10-207	Amended	July 1, 2017	231	SB 367	2
TG	10-207	Amended	July 1, 2017	231	SB 367	2
TG	10-207	Amended	July 1, 2017	501	HB 3	1
TG	10-207	Amended	July 1, 2017	685	HB 83	1

Article	Section	Action	Effective Date	Chapter	Bill No.	Sec. No.
TG	10-208	Amended	July 1, 2017	155	HB 822	1
TG	10-208	Amended	Oct. 1, 2017	631	SB 74	1
TG	13-901	Amended	Oct. 1, 2017	522	HB 627	1
TP	9-210	Amended	June 1, 2017	173	SB 282	1
TP	9-210	Amended	June 1, 2017	174	HB 231	1
TR	7-208	Amended	July 1, 2017	16	SB 484	1
TR	7-208	Amended	July 1, 2017	24	HB 271	1
TR	13-810	Amended	Oct. 1, 2017	344	SB 34	1
TR	13-810	Amended	July 1, 2017	663	SB 449	1
TR	13-955	Amended	June 1, 2017	23	HB 152	1
TR	16-102	Amended	Oct. 1, 2017	55	SB 165	1
TR	17-107	Amended	Oct. 1, 2017	55	SB 165	1
TR	17-107	Amended	Oct. 1, 2017	345	HB 603	1
TR	21-107	Amended	Oct. 1, 2017	760	HB1301	1
TR	21-206	Amended	Oct. 1, 2017	55	SB 165	1
TR	21-405	Amended	Oct. 1, 2017	55	SB 165	1
TR	21-1003	Amended	Oct. 1, 2017	55	SB 165	1
TR	22-218	Amended	Oct. 1, 2017	752	SB 707	1
TR	22-218	Amended	Oct. 1, 2017	753	HB 952	1
TR	22-404.4	Amended	Oct. 1, 2017	55	SB 165	1
TR	22-404.5	Amended	Oct. 1, 2017	55	SB 165	1
TR	25-102	Amended	Oct. 1, 2017	694	SB 979	2
TR	27-101	Rep. & Reen.	Oct. 1, 2017	55	SB 165	1
TR	27-101	Amended	Oct. 1, 2017	345	HB 603	1
TR	27-101	Amended	Oct. 1, 2017	488	SB 799	1
TR	27-101.2	Repealed	Oct. 1, 2017	55	SB 165	1
TR	27-102	Rep. & Reen.	Oct. 1, 2017	55	SB 165	1
TR	27-105	Repealed	Oct. 1, 2017	55	SB 165	1

Sections Affected by 2018 Legislation

NOTE: In addition to the sections listed below, users of this edition should be aware that additional section and case notes annotations have also been appropriately incorporated throughout this publication. The sections with new and/or revised annotations do *not* appear in this listing.

LEGEND

BR = Business Regulation	CA = Corporations and Associations
CJ = Courts and Judicial Proceedings	CL = Commercial Law
CP = Criminal Procedure	CR = Criminal Law
ED = Education	EN = Environment
FL = Family Law	GP = General Provisions
HG = Health-General	HO = Health Occupations
IN = Insurance	LE = Labor and Employment
LG = Local Government	NR = Natural Resources
PS = Public Safety	RP = Real Property
SF = State Finance and Procurement	SG = State Government
SPP = State Personnel and Pensions	TG = Tax-General
TP = Tax-Property	TR = Transportation

Article	Section	Action	Effective Date	Chapter	Bill No.	Sec. No.
BR	6-407	Amended	July 1, 2018	668	SB 86	1
CJ	7-301	Amended	July 1, 2018	758	HB 24	1
CJ	7-302	Amended	Oct. 1, 2018	806	HB 175	1
CJ	7-302	Amended	Oct. 1, 2018	806	HB 175	1
CJ	10-402	Amended	June 1, 2018	145	SB1137	1
CJ	10-406	Amended	June 1, 2018	145	SB1137	1
CP	2-208.1	Amended	Oct. 1, 2018	747	SB1037	1
CR	10-304	Amended	Oct. 1, 2018	498	HB 700	1
CR	10-304	Amended	Oct. 1, 2018	499	SB 528	1
ED	13-503	Amended	Oct. 1, 2018	203	HB 371	1
ED	13-503	Amended	Oct. 1, 2018	204	SB 175	1
ED	13-505	Amended	Oct. 1, 2018	203	HB 371	1
ED	13-505	Amended	Oct. 1, 2018	204	SB 175	1
ED	13-516	Amended	July 1, 2018	149	HB 359	1
ED	18-605	New	July 1, 2018	597	SB1202	1
ED	26-104	Amended	Oct. 1, 2018	619	HB 312	1
HG	21-301	Amended	Oct. 1, 2018	338	HB1087	1
HG	21-301	Amended	Oct. 1, 2018	339	SB 758	1
HG	21-301	Amended	Oct. 1, 2018	491	HB1106	1
LE	9-234	Amended	Apr. 5, 2018	12	SB 812	1
LE	9-628	Amended	Oct. 1, 2018	588	SB 48	1
LE	9-628	Amended	Oct. 1, 2018	589	HB 205	1
LE	9-629	Amended	Oct. 1, 2018	588	SB 48	1
LE	9-629	Amended	Oct. 1, 2018	589	HB 205	1
LG	12-806	Amended	Oct. 1, 2018	477	HB1117	1
LG	12-806	Amended	Oct. 1, 2018	478	SB 927	1
NR	8-707	Amended	July 1, 2018	719	SB1260	1
NR	8-707	Amended	July 1, 2018	719	SB1260	1
PS	9-101	Amended	Oct. 1, 2018	484	SB 728	1
PS	9-104	Amended	Oct. 1, 2018	484	SB 728	1
PS	9-106	Amended	Oct. 1, 2018	484	SB 728	1
PS	9-106.1	New	Oct. 1, 2018	484	SB 728	1
PS	9-109	Amended	Oct. 1, 2018	484	SB 728	1

Article	Section	Action	Effective Date	Chapter	Bill No.	Sec. No.
PS	12-501	Amended	July 1, 2018	673	HB 694	1
PS	12-508	Amended	Oct. 1, 2018	241	HB1141	1
PS	12-508	Amended	Oct. 1, 2018	493	HB1116	1
PS	12-806	Amended	Oct. 1, 2018	337	HB1107	1
PS	12-809	Amended	Oct. 1, 2018	337	HB1107	1
PS	12-810	Amended	Oct. 1, 2018	337	HB1107	1
PS	12-812	Amended	Oct. 1, 2018	337	HB1107	1
PS	12-1001	Amended	July 1, 2018	673	HB 694	1
PS	12-1003	Amended	July 1, 2018	673	HB 694	1
TG	10-207	Amended	July 1, 2018	303	HB 43	1
TG	10-207	Amended	July 1, 2018	572	HB 327	1
TG	10-207	Amended	July 1, 2018	573	SB 996	1
TG	10-208	Amended	July 1, 2018	36	HB 96	1
TG	10-208	Amended	July 1, 2018	466	HB 671	1
TG	10-208	Amended	July 1, 2018	582	HB1069	1
TP	9-210	Amended	Apr. 5, 2018	12	SB 812	1
TR	3-216	Amended	June 1, 2018	351	SB 277	1
TR	3-216	Amended	June 1, 2018	352	HB 372	1
TR	3-216	Amended	July 1, 2018	700	SB 606	1
TR	7-208	Amended	Apr. 5, 2018	12	SB 812	1
TR	11-118	Amended	July 1, 2018	186	HB 106	1
TR	11-118	Amended	July 1, 2018	187	SB 475	1
TR	13-903	Amended	Oct. 1, 2018	157	HB1162	1
TR	13-903	Amended	Oct. 1, 2018	158	SB 626	1
TR	13-903	Amended	Oct. 1, 2018	704	SB 362	1
TR	21-106	Amended	July 1, 2018	186	HB 106	1
TR	21-106	Amended	July 1, 2018	187	SB 475	1
TR	22-218	Amended	July 1, 2018	186	HB 106	1
TR	22-218	Amended	July 1, 2018	187	SB 475	1
TR	22-218	Amended	Oct. 1, 2018	544	HB 531	1
TR	22-218	Amended	Apr. 10, 2018	545	SB 445	1
TR	25-102	Amended	Apr. 5, 2018	12	SB 812	1
TR	25-102	Amended	Oct. 1, 2018	165	HB 722	1
TR	25-102	Amended	Oct. 1, 2018	166	SB 644	1

Sections Affected by 2019 Legislation

NOTE: In addition to the sections listed below, users of this edition should be aware that additional section and case notes annotations have also been appropriately incorporated throughout this publication. The sections with new and/or revised annotations do *not* appear in this listing.

LEGEND

BR = Business Regulation	CA = Corporations and Associations
CJ = Courts and Judicial Proceedings	CL = Commercial Law
CP = Criminal Procedure	CR = Criminal Law
ED = Education	EN = Environment
FL = Family Law	GP = General Provisions
HG = Health-General	HO = Health Occupations
IN = Insurance	LE = Labor and Employment
LG = Local Government	NR = Natural Resources
PS = Public Safety	RP = Real Property
SF = State Finance and Procurement	SG = State Government
SPP = State Personnel and Pensions	TG = Tax-General
TP = Tax-Property	TR = Transportation

Article	Section	Action	Effective Date	Chapter	Bill No.	Sec. No.
CJ	3-801	Amended	Oct. 1, 2019	304	SB 732	1
CJ	3-801	Amended	Oct. 1, 2019	497	SB1043	1
CJ	7-301	Amended	July 1, 2019	510	HB1113	4
CJ	7-301	Amended	July 1, 2019	511	SB 640	4
CJ	7-302	Amended	Mar. 27, 2019	7	SB 579	1
CJ	7-302	Amended	June 1, 2019	586	HB 187	1
CJ	10-402	Amended	Oct. 1, 2019	21	HB 871	2
CJ	10-402	Amended	Oct. 1, 2019	22	SB 690	2
CJ	10-402	Amended	Oct. 1, 2019	521	HB 552	1
CJ	10-406	Amended	Oct. 1, 2019	21	HB 871	2
CJ	10-406	Amended	Oct. 1, 2019	22	SB 690	2
CP	2-101	Amended	July 1, 2019	25	SB 793	2
CP	2-101	Amended	July 1, 2019	94	HB 370	1
CP	4-101	Amended	Oct. 1, 2019	45	HB 121	1
CP	4-101	Amended	Oct. 1, 2019	46	SB 130	1
CR	3-101.1	New	Oct. 1, 2019	571	HB 77	1
CR	10-302	Amended	Oct. 1, 2019	28	HB 240	1
CR	10-302	Amended	Oct. 1, 2019	29	SB 232	1
CR	10-303	Amended	Oct. 1, 2019	28	HB 240	1
CR	10-303	Amended	Oct. 1, 2019	29	SB 232	1
CR	10-304	Amended	Oct. 1, 2019	28	HB 240	1
CR	10-304	Amended	Oct. 1, 2019	29	SB 232	1
CR	10-304	Amended	Oct. 1, 2019	32	HB 168	1
CR	10-305	Amended	Oct. 1, 2019	28	HB 240	1
CR	10-305	Amended	Oct. 1, 2019	29	SB 232	1
CR	10-306	Amended	Oct. 1, 2019	28	HB 240	1
CR	10-306	Amended	Oct. 1, 2019	29	SB 232	1
CR	10-308	Amended	Oct. 1, 2019	28	HB 240	1
CR	10-308	Amended	Oct. 1, 2019	29	SB 232	1
ED	7-408.1	New	July 1, 2019	430	SB 465	1
ED	11-503	Amended	July 1, 2019	510	HB1113	4
ED	11-503	Amended	July 1, 2019	511	SB 640	4
ED	13-304	Amended	Mar. 27, 2019	8	SB 580	1

Article	Section	Action	Effective Date	Chapter	Bill No.	Sec. No.
ED	13-304	Amended	Apr. 18, 2019	18	SB 619	1
ED	13-304	Amended	Apr. 18, 2019	19	HB1428	1
ED	13-304	Amended	July 1, 2019	510	HB1113	4
ED	13-304	Amended	July 1, 2019	511	SB 640	4
ED	13-508	Amended	July 1, 2019	510	HB1113	4
ED	13-508	Amended	July 1, 2019	511	SB 640	4
ED	18-603.1	Amended	July 1, 2019	40	HB 319	7
ED	18-603.1	Amended	Oct. 1, 2019	147	SB 74	1
ED	18-603.1	Amended	July 1, 2019	510	HB1113	4
ED	18-603.1	Amended	July 1, 2019	511	SB 640	4
ED	18-604	Amended	July 1, 2019	40	HB 319	7
ED	18-604	Amended	July 1, 2019	510	HB1113	4
ED	18-604	Amended	July 1, 2019	511	SB 640	4
HG	18-908	Amended	July 1, 2019	510	HB1113	4
HG	18-908	Amended	July 1, 2019	511	SB 640	4
HG	19-130	Amended	July 1, 2019	394	SB 901	1
HG	19-130	Amended	July 1, 2019	395	HB 607	1
HG	19-130	Amended	July 1, 2019	510	HB1113	4
HG	19-130	Amended	July 1, 2019	511	SB 640	4
HG	21-301	Amended	Oct. 1, 2019	230	HB 522	1
HG	21-301	Amended	Oct. 1, 2019	370	HB 527	1
HG	21-301	Amended	Oct. 1, 2019	371	SB 290	1
HO	14-509	New	Oct. 1, 2019	535	HB1288	2
LE	5-405	Amended	July 1, 2019	91	HB 60	7
LE	5-407	Amended	July 1, 2019	91	HB 60	7
LE	9-503	Amended	Oct. 1, 2019	214	HB 595	1
LE	9-503	Amended	Oct. 1, 2019	215	HB 604	1
LE	9-503	Amended	Oct. 1, 2019	216	SB 646	1
LE	9-628	Amended	Oct. 1, 2019	256	HB 795	1
LE	9-629	Amended	Oct. 1, 2019	256	HB 795	1
NR	8-727.1	Amended	Oct. 1, 2019	599	HB 259	1
NR	8-727.1	Amended	Oct. 1, 2019	600	SB 394	1
PS	1-301	Amended	July 1, 2019	301	HB 397	1
PS	1-301	Amended	July 1, 2019	302	SB 339	1
PS	1-302.1	New	June 1, 2019	299	HB1090	1
PS	1-302.1	New	June 1, 2019	300	SB 284	1
PS	1-303	Amended	July 1, 2019	301	HB 397	1
PS	1-303	Amended	July 1, 2019	302	SB 339	1
PS	1-304	Amended	July 1, 2019	301	HB 397	1
PS	1-304	Amended	July 1, 2019	302	SB 339	1
PS	1-306	Amended	July 1, 2019	301	HB 397	1
PS	1-306	Amended	July 1, 2019	302	SB 339	1
PS	1-307	Amended	July 1, 2019	301	HB 397	1
PS	1-307	Amended	July 1, 2019	302	SB 339	1
PS	1-307	Amended	July 1, 2019	510	HB1113	4
PS	1-307	Amended	July 1, 2019	511	SB 640	4
PS	1-308	Amended	July 1, 2019	301	HB 397	1
PS	1-308	Amended	July 1, 2019	302	SB 339	1
PS	1-309	Amended	July 1, 2019	301	HB 397	1
PS	1-309	Amended	July 1, 2019	302	SB 339	1
PS	1-309.1	New	July 1, 2019	301	HB 397	1
PS	1-309.1	New	July 1, 2019	302	SB 339	1
PS	1-310	Amended	July 1, 2019	301	HB 397	1
PS	1-310	Amended	July 1, 2019	302	SB 339	1
PS	1-311	Amended	July 1, 2019	301	HB 397	1
PS	1-311	Amended	July 1, 2019	302	SB 339	1
PS	1-312	Amended	July 1, 2019	301	HB 397	1
PS	1-312	Amended	July 1, 2019	302	SB 339	1
PS	1-315	New	July 1, 2019	301	HB 397	1
PS	1-315	New	July 1, 2019	302	SB 339	1
PS	6-206	Amended	July 1, 2019	430	SB 465	1

Article	Section	Action	Effective Date	Chapter	Bill No.	Sec. No.
PS	8-105	Amended	June 1, 2019	6	SB 112	1
PS	8-105	Amended	July 1, 2019	510	HB1113	4
PS	8-105	Amended	July 1, 2019	511	SB 640	4
PS	8-206	Amended	July 1, 2019	510	HB1113	4
PS	8-206	Amended	July 1, 2019	511	SB 640	4
PS	12-401	Amended	July 1, 2019	91	HB 60	7
PS	12-501	Amended	July 1, 2019	91	HB 60	7
PS	12-508	Amended	Oct. 1, 2019	70	HB 639	1
PS	12-508	Amended	Oct. 1, 2019	71	SB 99	1
PS	12-705	New	Oct. 1, 2019	279	HB 586	1
PS	12-801	Amended	July 1, 2019	91	HB 60	7
PS	12-812	Amended	Mar. 27, 2019	8	SB 580	1
PS	12-819	Amended	July 1, 2019	91	HB 60	7
PS	12-824.1	Amended	June 1, 2019	6	SB 112	1
PS	12-1001	Amended	July 1, 2019	91	HB 60	7
PS	12-1003	Amended	July 1, 2019	91	HB 60	7
PS	12-1004	Amended	July 1, 2019	91	HB 60	7
PS	12-1006	Amended	July 1, 2019	91	HB 60	7
PS	14-105	Amended	July 1, 2019	510	HB1113	4
PS	14-105	Amended	July 1, 2019	511	SB 640	4
SG	2-10A-13	Amended	July 1, 2019	510	HB1113	4
SG	2-10A-13	Amended	July 1, 2019	511	SB 640	4
SG	2-1220	Amended	Oct. 1, 2019	73	HB 516	1
TG	2-1303	Amended	Oct. 1, 2019	735	HB1301	1
TG	2-1303	Amended	June 1, 2019	771	SB1030	17
TG	10-207	Amended	July 1, 2019	67	HB 387	1
TG	10-207	Amended	July 1, 2019	68	SB 477	1
TG	10-207	Amended	June 1, 2019	303	SB 265	1
TG	10-207	Amended	July 1, 2019	380	HB1093	1
TG	13-901	Amended	Oct. 1, 2019	735	HB1301	1
TR	3-216	Amended	June 1, 2019	16	HB1407	1
TR	3-216	Amended	July 1, 2019	510	HB1113	4
TR	3-216	Amended	July 1, 2019	511	SB 640	4
TR	7-208	Amended	July 1, 2019	510	HB1113	4
TR	7-208	Amended	July 1, 2019	511	SB 640	4
TR	25-102	Amended	Oct. 1, 2019	227	HB 748	1

Fire Laws of Maryland

ARTICLE 16A.

MARYLAND EMERGENCY MANAGEMENT AGENCY.

Emergency Management
Sec.
2 to 4. [Repealed].
6 to 8. [Repealed].
10. [Repealed].

**Maryland Emergency Management
Assistance Compact**
Sec.
37 to 39. [Transferred].

EMERGENCY MANAGEMENT

§§ 2 to 4. Policy and purpose; definitions; Maryland Emergency Management Agency.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning Emergency Management, see § 14-101 et seq. of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle "Emergency Management."

Section 13, ch. 5, Acts 2003, repealed the article designation "Article 16A — Maryland Emergency Management Agency."

§§ 6 to 8. Emergency management powers of Governor; declaration and termination of state of emergency; local organizations for emergency management; mutual aid arrangements.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning Emergency Management, see § 14-101 et seq. of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle "Emergency Management."

Section 13, ch. 5, Acts 2003, repealed the article designation "Article 16A — Maryland Emergency Management Agency."

§ 10. Utilization of existing services and facilities.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning Emergency Management, see § 14-101 et seq. of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle "Emergency Management."

Section 13, ch. 5, Acts 2003, repealed the article designation "Article 16A — Maryland Emergency Management Agency."

MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT

§§ 37 to 39. Maryland Emergency Management Assistance Compact.

Transferred.

Cross references. — For present provisions concerning the Maryland Emergency Management Assistance Compact, see § 14-801 et seq. of the Public Safety Article.

Editor's note. — Section 2, ch. 5, Acts 2003, effective October 1, 2003, transferred §§ 37

through 39 of this article to be §§ 14-801 through 14-803 of the Public Safety Article. Section 1 of ch. 5 also transferred the subtitle “Maryland Emergency Management Assistance Compact” from this article to be Subtitle 8, Title 14, of the Public Safety Article.

ARTICLE 23A.
CORPORATIONS — MUNICIPAL.

In General

Sec.
2. [Repealed].
6. [Repealed].

**Assistance to Other Political
Subdivisions**

Sec.
8C. [Repealed].

IN GENERAL

§ 2. Enumeration of express powers.

Repealed by Acts 2013, ch. 119, § 1, effective October 1, 2013.

Cross references. — For present provisions concerning enumeration of express law making powers, see § 5-201 et seq. of the Local Government Article.

Editor's note. — Section 1, ch. 119, Acts 2013, also repealed Article 23A — Corporations — Municipal in its entirety.

§ 6. Fire prevention codes; plan reviews and inspections.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning fire prevention codes; plan reviews and inspections, see § 9-701 et seq. of the Public Safety Article.

ASSISTANCE TO OTHER POLITICAL SUBDIVISIONS

§ 8C. Assistance to other political subdivisions.

Repealed by Acts 2013, ch. 119, § 1, effective October 1, 2013.

Cross references. — For present provisions concerning assistance to other political subdivisions, see § 1-901 of the Local Government Article.

Editor's note. — Section 1, ch. 119, Acts 2013, also repealed Article 23A — Corporations — Municipal in its entirety.

For present provisions concerning collection of development impact fees, see § 5-102 of the Local Government Article.

ARTICLE 24.
POLITICAL SUBDIVISIONS —
MISCELLANEOUS
PROVISIONS.

Title 5.

Street Lighting Equipment.

Sec.

5-101. [Repealed].

TITLE 5.

STREET LIGHTING EQUIPMENT.

§ 5-101. Street lighting equipment.

Repealed by Acts 2013, ch. 119, § 1, effective October 1, 2013.

Cross references. — For present provisions concerning street lighting equipment, see § 1-1308 of the Local Government Article.

Editor's note. — Section 1, ch. 119, Acts 2013, also repealed Article 24 in its entirety.

ARTICLE 25.

COUNTY COMMISSIONERS.

General Provisions

Sec.
2. [Repealed].
11. [Repealed].

Assistance to Other Political Subdivisions

219. [Repealed].

Miscellaneous Provisions

Sec.
236D. [Repealed].

GENERAL PROVISIONS

§ 2. Power as to roads, streets and sidewalks, parking, fire hydrants, trailer camps and bounties.

Repealed by Acts 2013, ch. 119, § 1, effective October 1, 2013.

Cross references. — For present provisions concerning power as to roads, streets and sidewalks, parking, fire hydrants, trailer camps and bounties, see §§ 12-504, 12-508, 12-903, and 13-202 of the Local Government Article.

Editor's note. — Section 1, ch. 119, Acts 2013, repealed the subtitle "General Provisions." Section 1, ch. 119, Acts 2013, also repealed the designation "Article 25 — County Commissioners."

§ 11. Regulation of roads in Calvert County.

Repealed by Acts 2013, ch. 119, § 1, effective October 1, 2013.

Cross references. — For present provisions concerning regulation of roads in Calvert County, see § 12-530 of the Local Government Article.

ASSISTANCE TO OTHER POLITICAL SUBDIVISIONS

§ 219. Assistance to other political subdivisions.

Repealed by Acts 2013, ch. 119, § 1, effective October 1, 2013.

Cross references. — For present provisions concerning assistance to another political subdivisions, see § 1-901 of the Local Government Article.

Editor's note. — Section 1, ch. 119, Acts 2013, repealed the subtitle "Assistance to Other Political Subdivisions."

MISCELLANEOUS PROVISIONS

§ 236D. Alarm systems; power to regulate in Calvert County.

Repealed by Acts 2013, ch. 119, § 1, effective October 1, 2013.

Cross references. — For present provisions concerning regulation of alarm systems, see § 12-806 of the Local Government Article.

Editor's note. — Section 1, ch. 119, Acts 2013, repealed the subtitle "Miscellaneous Provisions."

ARTICLE 27.

CRIMES AND PUNISHMENTS.

I

CRIMES AND PUNISHMENTS

Arson and Burning

Sec.
6, 7. [Repealed].
7A. [Redesignated].
8 to 9B. [Repealed].
10A. [Redesignated].
11. [Repealed].

Fire and Safety Personnel

11D. [Repealed].

Destroying, Injuring, etc., Property Maliciously

119. [Repealed].

Emergency Communications — Interference

125A. [Repealed].

Destructive Devices

139A to 139C. [Repealed].

False Statements

151A, 151C. [Repealed].

Fire — False Alarms

156. [Repealed].

Burglary and Robbery False Alarm

156A to 156E. [Repealed].

Fraud — Misrepresentations in Fund- Raising Campaigns

Sec.
233A. [Repealed].

Gaming

236. [Repealed].
261E. [Repealed].

Assisted Suicide

416. [Repealed].

Religious and Ethnic Crimes

470A. [Repealed].

Telephone and Electronic Mail Misuse

555B. [Repealed].

Telegraphs and Telephones

557. [Repealed].
557B. [Repealed].

II

VENUE, PROCEDURE AND SENTENCE

Arrests

594B to 594B-2. [Repealed].

III

PLACES OF REFORMATION AND PUNISHMENT

Law Enforcement Officers' Bill of Rights

729A. [Repealed].

Cross references. — For crimes and offenses relating to particular subjects, see the various articles pertaining thereto.

For present provisions concerning usury, see §§ 12-101 to 12-114 of the Commercial Law Article.

For present provisions concerning defamation, see §§ 3-501 to 3-504 of the Courts Article.

For present provisions concerning insanity as a defense in criminal cases, see Title 3 of the Criminal Procedure Article.

For present provisions concerning repeal, reenactment, revision, etc., of statute not precluding action or prosecution for penalty or liability already incurred, see Article 1, § 3.

For present provisions concerning fines and forfeitures, see § 7-501 et seq. of the Courts Article.

For present provisions concerning Maryland Parole Commission, see Article 41, § 4-501 et seq.

For present provisions concerning riots, see § 14-1001 et seq. of the Public Safety Article.

For present provisions concerning the pardoning power of the Governor, see Md. Const., Article II, § 20. See also Article 41, §§ 4-513 through 4-515, of the Code.

For present provisions concerning suspension of sentence, indeterminate sentence and paroles, see Md. Const., Article III, § 60.

For present provisions concerning the removal of criminal cases, see Md. Const., Article IV, § 8.

For rules of court governing criminal causes, see Maryland Rules, Rule 4-101 et seq.

For present provisions concerning Maryland Parole Commission, see § 7-201 et seq. of the Correctional Services Article.

For present provisions concerning the pardoning power of the Governor, see Md. Const., Article II, § 20. See also § 7-601 et seq. of the Correctional Services Article.

Editor's note. — Section 16, ch. 14, Acts 1997, provides that “the publishers of the Annotated Code of Maryland, subject to the ap-

proval of the Department of Legislative Reference [now Department of Legislative Services], shall propose and implement a plan for the renumbering of the sections, titles, and subtitles of Article 27 — Crimes and Punishments of the Annotated Code of Maryland prior to the republication of the replacement volume containing that article. The proposal shall correct numerical and nonnumerical cross-references and other changes within the article and throughout the Annotated Code occasioned by the renumbering. The renumbering of Article 27 is in no way intended to affect any judicial proceeding.”

I

CRIMES AND PUNISHMENTS

ARSON AND BURNING

§§ 6 to 7. Definitions; dwelling or occupied structure; other structure.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning definitions of arson and burning, see §§ 6-101 to 6-103 of the Criminal Law Article.

§ 7A. Threats of arson.

Redesignated.

Editor's note. — For present provisions concerning threat of arson, see § 6-107 of the Criminal Law Article.

§§ 8 to 9B. Burning personal property; burning with intent to defraud; threats of arson; burning trash container; attempt to burn structure or property.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning arson and burning personal property and burning with intent to defraud, see §§ 6-104 through 6-110 of the Criminal Law Article.

§ 10A. Burning cross or other religious symbol.

Redesignated.

Editor’s note. — Section 3, ch. 228, Acts 1993, effective Oct. 1, 1993, redesignated this section to be § 10 of this article, repealed by Acts 1994, ch. 555, effective October 1, 1994.

§ 11. General form of charging document.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning the general form of a charging document, see § 6-111 of the Criminal Law Article.

FIRE AND SAFETY PERSONNEL

§ 11D. Interference, obstruction or false representation made misdemeanor; penalty.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning interference, obstruction, or false representation, see §§ 6-602 and 7-402 of the Public Safety Article.

DESTROYING, INJURING, ETC., PROPERTY MALICIOUSLY

§ 119. Dynamiting, etc., property.

Repealed by Acts 1997, ch. 343, effective October 1, 1997.

Cross references. — For present provisions concerning malicious destruction of property, see § 6-301 et seq. of the Criminal Law Article.

EMERGENCY COMMUNICATIONS — INTERFERENCE

§ 125A. Interference with emergency communications.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning interference with emergency communications, see § 9-601 of the Criminal Law Article.

DESTRUCTIVE DEVICES

§§ 139A to 139C. Destructive devices.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning destructive devices, generally, see Title 4, Subtitle 5 of the Criminal Law Article.

FALSE STATEMENTS

§§ 151A, 151C. False statements.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning false statements, generally, see Title 9, Subtitle 5 of the Criminal Law Article.

FIRE — FALSE ALARMS

§ 156. False alarms prohibited; false ambulance or rescue squad calls.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning false fire alarms, see § 9-604 of the Criminal Law Article.

BURGLARY AND ROBBERY FALSE ALARM

§§ 156A to 156E. Burglary and robbery false alarm.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning false alarms for burglary and robbery, generally, see §§ 9-607 through 9-611 of the Criminal Law Article.

FRAUD — MISREPRESENTATIONS IN FUND-RAISING CAMPAIGNS

§ 233A. Identification of fund-raising as for or on behalf of public safety officers.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning identification of fund-raising as for or on behalf of public safety officers, see § 8-520 of the Criminal Law Article.

GAMING

§ 236. Raffles of real property by charitable organizations.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning gaming, generally, see Title 12, Subtitle 1 of the Criminal Law Article.

§ 261E. Acceptance of credit.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning acceptance of credit, see §§ 12-101 and 12-108 of the Criminal Law Article.

ASSISTED SUICIDE

§ 416. Unlawful to help another to commit suicide.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning assisted suicide, generally, see Title 3, Subtitle 1 of the Criminal Law Article.

RELIGIOUS AND ETHNIC CRIMES

§ 470A. Crimes against religious property, institutions, or persons or property because of race, religious beliefs, etc.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning religious and ethnic crimes, generally, see Title 10, Subtitle 3 of the Criminal Law Article.

TELEPHONE AND ELECTRONIC MAIL MISUSE

§ 555B. Monitoring or recording telephone conversation to or from State department or agency.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning monitoring or recording a telephone conversation to or from a State department or agency, see § 9-602 of the Criminal Law Article.

TELEGRAPHS AND TELEPHONES

§ 557. Refusal to relinquish telephone party line in emergency; false statement to secure use of party line; notice to be printed in directory.

Repealed by Acts 1998, ch. 8, § 1, effective October 1, 1998.

Cross references. — For present provisions regarding prohibited acts and penalties with respect to public utility companies, see § 13-101 of the Public Utilities Article.

§ 557B. Approval of devices transmitting prerecorded messages concerning emergency conditions to preprogrammed numbers.

Repealed by Acts 2002, ch. 26, § 1, effective October 1, 2002.

Cross references. — For present provisions concerning the approval of devices transmitting prerecorded messages concerning emergency conditions to preprogrammed number, see § 9-603 of the Criminal Law Article.

II

VENUE, PROCEDURE AND SENTENCE

ARRESTS

§§ 594B to 594B-2. Arrests.

Repealed by Acts 2001, ch. 10, § 1, effective October 1, 2001.

Cross references. — For present provisions concerning the arrest process generally and law enforcement procedures, see, generally, Title 2, of the Criminal Procedure Article. For present provisions concerning warrantless arrests, see Title 2, Subtitle 2 of the Criminal Procedure Article.

III

PLACES OF REFORMATION AND PUNISHMENT

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

§ 729A. Regulation of secondary employment.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning Law Enforcement Officers' Bill of Rights, see §§ 3-101 to 3-113 of the Public Safety Article.

ARTICLE 38A.

FIRES AND INVESTIGATIONS.

Fire Prevention Commission and Fire Marshal

Fire Prevention Commission

Sec.

1 to 6A. [Repealed].

Fire Marshal

7 to 12. [Repealed].

Smoke Detection Systems

12A. [Repealed].

Sprinkler Systems

12B. [Repealed].

Penalties

13. [Repealed].

Appeals

14. [Repealed].

Baltimore City

14A. [Repealed].

Chimney Fire Reports

14B. [Repealed].

Fireworks

15 to 25. [Repealed].

Explosives

26 to 36. [Repealed].

Mutual Aid Agreements by Fire Companies or Rescue Companies

37 to 41. [Repealed].

Volunteer Firefighters and Rescue Squadmen

Sec.

42 to 43. [Repealed].

43A. [Redesignated].

44, 45. [Repealed].

Senator William H. Amoss Fire, Rescue, and Ambulance Fund

45A to 45D. [Repealed].

Volunteer Company Assistance Fund

46 to 46H. [Repealed].

Fast Response Residential Fire Sprinkler Systems

47. [Repealed].

High-Rise Building Safety

48 to 52. [Repealed].

Buildings Housing Occupants Needing Evacuation Assistance

53 to 55A. [Repealed].

Insurers — Disclosure of Arson Investigation Reports

56, 57. [Repealed].

Emergency Lighting and Power Systems for Buildings

58. [Repealed].

Electrical Code

59 to 66. [Repealed].

Miscellaneous

67, 68. [Repealed].

FIRE PREVENTION COMMISSION AND FIRE MARSHAL

Fire Prevention Commission

§§ 1 to 6A. Fire Prevention Commission.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning Fire Prevention Commission, see §§ 6-201 to 6-207, 6-322, and 9-901 to 9-903 of the Public Safety Article.

Editor's note. — Acts 2003, ch. 5, § 1, also repealed the subtitle heading "Fire Prevention Commission."

*Fire Marshal***§§ 7 to 12. Fire Marshal.**

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning Fire Marshal, see §§ 6-301 to 6-321 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Fire Marshal."

Section 7, ch. 5, Acts 2003, effective Oct. 1, 2003, transferred § 7(c)(1)(ii) of this article to the Session Laws.

*Smoke Detection Systems***§ 12A. Smoke detection systems.**

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning smoke detection systems, see §§ 9-101 to 9-108 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Smoke Detection Systems."

Section 2, ch. 636, Acts 2001, provides that "this Act shall be construed only prospectively

and may not be applied or interpreted to have any effect on or application to any lease or residential property disclosure statement for an existing residential dwelling unit executed before October 1, 2001."

*Sprinkler Systems***§ 12B. Installation.**

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning installation of sprinkler systems, see §§ 9-201 to 9-205 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Sprinkler Systems."

*Penalties***§ 13. Penalties enumerated; continuing offenses.**

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning penalties, see §§ 6-601, 6-317, 9-109, 9-206, and 9-905 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Penalties."

APPEALS

§ 14. Appellate procedure generally.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Art. 38A, § 14A

FIRE LAWS OF MARYLAND

Cross references. — For present provisions concerning appellate procedures, see §§ 6-501 to 6-503 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Appeals."

BALTIMORE CITY

§ 14A. Application of §§ 1 to 14; application of State Fire Code; assistance from Commission and State Fire Marshal; reports by fire department.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning applicability of provisions, see §§ 6-401 to 6-403 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Baltimore City."

Section 2, ch. 507, Acts 1997, provides that "this Act does not supersede any local law or ordinance that establishes standards or qualifications for fire sprinkler contractors involved in the installation, inspection, testing, repair, or modification of any fire sprinkler system."

CHIMNEY FIRE REPORTS

§ 14B. Report regarding chimney causing fire.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning chimney fire reports, see § 6-313 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Chimney Fire Reports."

FIREWORKS

§§ 15 to 25. Fireworks.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning fireworks, see §§ 10-101 to 10-210 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Fireworks."

EXPLOSIVES

§§ 26 to 36. Explosives.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning explosives, see §§ 11-101 to 11-118 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Explosives."

MUTUAL AID AGREEMENTS BY FIRE COMPANIES OR RESCUE COMPANIES

§§ 37 to 41. Mutual aid agreements by fire companies or rescue companies.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning mutual aid agreements, see §§ 7-101 to 7-107 of the Public Safety Article. Agreements by Fire Companies or Rescue Companies.”

Editor’s note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Mutual Aid

VOLUNTEER FIREFIGHTERS AND RESCUE SQUADMEN

§§ 42 to 43. Disablement; death; annual appropriation; service award plans in Kent and Queen Anne’s counties.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning disablement and death of volunteer firefighters and rescue squadmen, see §§ 7-201 to 7-204, and General Revisor’s Note of the Public Safety Article.

Editor’s note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Volunteer Firefighters and Rescue Squadmen.”

§ 43A. State flag to family of firefighter killed in line of duty.

Redesignated.

Editor’s note. — Chapter 305, Acts 1982, effective July 1, 1982, redesignated § 43A of this article to be § 44 of this article.

§§ 44, 45. State flag to family of firefighter killed in line of duty; considered on duty for purposes of federal act.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning State flag to family of firefighter killed in line of duty, see §§ 1-202 and 7-205 of the Public Safety Article.

SENATOR WILLIAM H. AMOSS FIRE, RESCUE, AND AMBULANCE FUND

§§ 45A to 45D. Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning Senator Amoss Fund, see §§ 8-101 to 8-106 of the Public Safety Article.

William H. Amoss Fire, Rescue, and Ambulance Fund.”

Editor’s note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Senator

VOLUNTEER COMPANY ASSISTANCE FUND

§§ 46 to 46H. Volunteer Company Assistance Fund.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning Volunteer Company Assistance Fund, see §§ 8-201 to 8-209 of the Public Safety Article.

Editor’s note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Volunteer Company Assistance Fund.”

Section 1, ch. 240, Acts 2000, effective July 1, 2000, repealed a former §§ 46A through 46C of this article and the subtitle heading “Volunteer Company Emergency Trust Fund.” Section 2 of ch. 240 enacted new §§ 46 through 46H of this article to be under the new subtitle “Volunteer Company Assistance Fund.”

FAST RESPONSE RESIDENTIAL FIRE SPRINKLER SYSTEMS

§ 47. Fast response residential fire sprinkler systems.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning fast response residential fire sprinkler systems, see §§ 9-301 to 9-306 of the Public Safety Article.

Editor’s note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Fast Response Residential Fire Sprinkler Systems.”

HIGH-RISE BUILDING SAFETY

§§ 48 to 50. High-rise building safety.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning high-rise building safety, see §§ 9-401 to 9-404 of the Public Safety Article.

Editor’s note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “High-Rise Building Safety.”

§§ 51 to 52. Buildings constructed after July 1, 1974; provisions additional to existing laws; penalties; smoke control system; exceptions.

Repealed by Acts 1999, ch. 80, § 1, effective October 1, 1999.

BUILDINGS HOUSING OCCUPANTS NEEDING EVACUATION ASSISTANCE

§§ 53 to 55A. Buildings housing occupants needing evacuation assistance.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning evacuation assistance, see §§ 9-501 to 9-506 of the Public Safety Article.

Housing Occupants Needing Evacuation Assistance.”

Editor’s note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Buildings

INSURERS — DISCLOSURE OF ARSON INVESTIGATION REPORTS

§§ 56, 57. Insurers — Disclosure of arson investigation reports.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning disclosure of arson investigation reports, see §§ 9-601 to 9-606 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Insurers — Disclosure of Arson Investigation Reports.”

EMERGENCY LIGHTING AND POWER SYSTEMS FOR BUILDINGS

§ 58. Required.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning required emergency lighting and power systems for buildings, see § 12-702 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Emergency Lighting and Power Systems for Buildings.”

ELECTRICAL CODE

§§ 59 to 66. Electrical code.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning the Electrical Code, see §§ 12-601 to 12-607 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Electrical Code.”

MISCELLANEOUS

§§ 67, 68. Miscellaneous.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning miscellaneous provisions regarding fires, see §§ 9-1001 and 7-401 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading “Miscellaneous.”

ARTICLE 41.
**GOVERNOR — EXECUTIVE
AND ADMINISTRATIVE
DEPARTMENTS.**

Title 2.

Executive Department — Generally.

*Subtitle 2. Governor's Emergency Powers —
Catastrophic Health Emergencies.*

Sec.

2-201 to 2-204. [Repealed].

Title 4.

**Law Enforcement, Public Safety, and
Correctional Services.**

*Subtitle 10. Employees Killed in
the Line of Duty.*

4-1001, 4-1002. [Repealed].

Title 18.

Miscellaneous Provisions.

*Subtitle 1. 911 Emergency
Telephone System.*

Sec.

18-101 to 18-108. [Repealed or trans-
ferred].

*Subtitle 2. Additional Miscellaneous
Provisions.*

18-201. [Repealed].

18-204. [Transferred].

TITLE 2.

EXECUTIVE DEPARTMENT — GENERALLY.

*Subtitle 2. Governor's Emergency Powers — Catastrophic Health
Emergencies.*

**§§ 2-201 to 2-204. Governor's Emergency Powers — Cata-
strophic Health Emergencies.**

Repealed by Acts 2004, ch. 26, § 1, effective October 1, 2004.

Cross references. — For present provisions regarding Governor's emergency powers for health emergencies, see § 14-3A-01 et seq. of the Public Safety Article.

TITLE 4.

LAW ENFORCEMENT, PUBLIC SAFETY, AND CORRECTIONAL SERVICES.

Subtitle 10. Employees Killed in the Line of Duty.

**§§ 4-1001, 4-1002. Reward for information as to person
killing law enforcement officer or certain
emergency service personnel; death benefit to
survivors or estate of law enforcement officer,
correctional officer, firefighter or rescue squad
member killed in line of duty.**

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning employees killed in the performance of duty, see § 1-201 et seq. of the Public Safety Article.

TITLE 18.

MISCELLANEOUS PROVISIONS.

Subtitle 1. 911 Emergency Telephone System.

§§ 18-101 to 18-103. Legislative findings and declaration; purpose of subtitle; definition; system required in all counties; Emergency Number Systems Board; withholding of county funds for violations; Emergency Telephone System.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning the 9-1-1 Emergency Telephone System, see § 1-301 et seq. of the Public Safety Article.

§ 18-104. 911 system plan.

Transferred to the Session Laws.

Editor's note. — See § 9, ch. 5, Acts 2003.

§§ 18-105, 18-106. Trust Fund; tariff for service by public service company and 911 service carriers; liability of cellular telephone or personal communication company.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning the 9-1-1 Trust Funds, effects, appropriations, disbursements, fees and charges, and expenditures by counties, see §§ 1-303, 1-308 through 1-311 of the Public Safety Article.

§ 18-107. Funds to be placed in budget; maximum amount to one subdivision.

(a)-(c) Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

(d), (e) Transferred to the Session Laws.

(f) Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning the appropriations and disbursements from 9-1-1 Trust Funds, see § 1-309 of the Public Safety Article.

Editor's note. — See § 10, ch. 5, Acts 2003.

§ 18-108. Expenditures for maintenance and operation of 911 systems.

(a)-(c) Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.
(d), (e) Transferred to the Session Laws.

Cross references. — For present provisions concerning expenditures by counties for 9-1-1 systems, see § 1-312 of the Public Safety Article. **Editor’s note.** — See § 9, ch. 5, Acts 2003.

Subtitle 2. Additional Miscellaneous Provisions.

§ 18-201. Purchases by counties, municipalities, Baltimore City, other governmental agencies and public or quasi-public agencies; purchases of religious material prohibited.

Repealed by Acts 2013, ch. 119, § 1, effective October 1, 2013.

Cross references. — For present provisions concerning cooperative purchasing, see § 4-316 of the State Finance and Procurement Article. **Editor’s note.** — Pursuant to § 5, ch. 43, Acts 2013, Title 18 and Subtitle 2 are deemed repealed as obsolete, now that the remaining sections have been repealed by Acts 2013, ch. 119, § 1. Chapter 45, Acts 2014, amended Chapter 119, Acts 2013, to repeal Subtitle 5 and Title 2 in their entirety.

§ 18-204. Emergency Preparedness Plan.

Transferred.

Cross references. — For present provisions concerning the Emergency Preparedness Plan, see § 14-110 et seq. of the Public Safety Article.

ARTICLE 48. INSPECTIONS.

Boiler and Pressure Vessel Safety Act

Sec.
170. [Repealed].

Fire Inspections

Sec.
181 to 183. [Repealed].

BOILER AND PRESSURE VESSEL SAFETY ACT

§ 170. Rules and regulations.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning the Boiler and Pressure Vessel Safety Act, see § 12-901 et seq. of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Boiler and Pressure Vessel Safety Act."

FIRE INSPECTIONS

§§ 181 to 183. Fire inspections.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning fire inspections, see § 9-801 et seq. of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Fire Inspections."

ARTICLE 48A.
INSURANCE CODE.

Repealed by Acts 1997, ch. 35, § 1, effective October 1, 1997.

Cross references. — For present provisions as to Insurance generally, see the Insurance Article, effective October 1, 1997, and the Session Laws.

ARTICLE 64A.
MERIT SYSTEM.

Repealed by Acts 1993, ch. 10, § 1, and by Acts 1996, ch. 10, § 15, approved
April 9, 1996, and effective from date of enactment.

Cross references. — For present provisions regarding supplemental retirement plans, see Title 35 of the State Personnel and Pensions Article.

Editor's note. — Tables indicating the present location or disposition of the provisions of former Article 64A are found in the Table of Comparable Sections for Unnumbered Articles.

ARTICLE 83B.
**DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT.**

Title 6.
Building and Material Codes.

*Subtitle 4. Maryland Building Performance
Standards.*

Sec.
6-401, 6-402. [Repealed and transferred].
6-403 to 6-406. [Repealed].

*Subtitle 5. Maryland Building Rehabilitation
Code.*

Sec.
6-501 to 6-505. [Repealed].

Editor's note. — Chapter 311, Acts 1987, effective July 1, 1987, transferred various provisions of Article 41 to Articles 41A and 41B, and ch. 290, Acts 1987 transferred various provisions of the Health-General Article to Article 41C. Additionally, § 8, ch. 6, Acts 1988,

approved Feb. 18, 1988, and effective from date of passage, transferred Articles 41A, 41B, and 41C to be Articles 83A, 83B, and 83C. For information regarding specific transfers, see ch. 311, Acts 1987, and ch. 6, Acts 1988.

TITLE 6.

BUILDING AND MATERIAL CODES.

Subtitle 4. Maryland Building Performance Standards.

§ 6-401. Definitions.

- (a)-(h) Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.
- (i) Transferred to the Session Laws by Acts 2003, ch. 5, § 11, effective October 1, 2003.
- (j), (k) Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning definitions, see §§ 12-501 and 15-506 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle "Subtitle 4. Maryland Building Performance Standards."

§ 6-402. Building performance standards.

- (a), (b) Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.
- (c) (1) Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.
- (2)-(5) Transferred to Session Laws by Acts 2003, ch. 5, § 11, effective October 1, 2003.
- (d)-(h) Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning building performance standards, see § 12-501 et seq. of the Public Safety Article.

§§ 6-403 to 6-406. Actions required prior to adoption of Standards; more stringent standard prohibited; central automated data base — establishment; maintenance; fees; same — included information; construction.

Repealed by 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning actions required prior to adoption of Standards, etc., see § 12-502 et seq. of the Public Safety Article.

Subtitle 5. Maryland Building Rehabilitation Code.

§§ 6-501 to 6-505. Maryland Building Rehabilitation Code.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning the Maryland Building Rehabilitation Code, see §§ 12-1001 to 12-1007 of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Subtitle 5. Maryland Building Rehabilitation Code."

ARTICLE 87. SHERIFFS.

Deputy Sheriffs

Sec.
49 to 54. [Repealed].

DEPUTY SHERIFFS

§§ 49 to 54. Members of fire companies in certain counties — appointed by sheriffs; how designated; certificate of designation; powers; Washington County; death, resignation, dismissal, etc.; application of preceding sections; special provisions as to Allegany, Caroline, Carroll, Cecil, Frederick, Harford, Kent, Somerset, Wicomico and Worcester Counties; pensions in Washington County.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning deputy sheriffs, see §§ 7-302 and 7-303 of the Public Safety Article.

ARTICLE 88B.
DEPARTMENT OF STATE POLICE.

General Provisions

Sec.
1. [Repealed].

Miscellaneous Provisions

Sec.
30A. [Repealed].

GENERAL PROVISIONS

§ 1. General provisions.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning general provisions of the State Police, see §§ 2-101 et seq. of the Public Safety Article.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "General Provisions."

MISCELLANEOUS PROVISIONS

§ 30A. Explosives Advisory Council.

Repealed by Acts 2003, ch. 5, § 1; effective October 1, 2003.

Cross references. — For present provisions concerning custody and sale of certain personal property, etc., see §§ 2-206, 2-208, 2-311, 2-312,

4-101 et seq. and 11-201 et seq. of the Public Safety Article.

ARTICLE 89.
MISCELLANEOUS BUSINESS, WORK,
AND SAFETY PROVISIONS.

Elevator Safety

Sec.
49B, 49C. [Repealed].

ELEVATOR SAFETY

§§ 49B, 49C. Elevators, dumbwaiters, escalators and moving walks; licensing of elevator contractors and mechanics.

Repealed by Acts 2003, ch. 5, § 1, effective October 1, 2003.

Cross references. — For present provisions concerning elevator safety, see § 12-801 et seq. of the Public Safety Article. Former § 49C was amended by ch. 316, Acts 2003.

Editor's note. — Section 1, ch. 5, Acts 2003, also repealed the subtitle heading "Elevator Safety."

BUSINESS REGULATION.

Title 4.

Athletics.

Subtitle 3. Boxing, Kick Boxing, Wrestling, and Mixed Martial Arts.

Sec.

4-319. Ventilation and safety of structures.

Title 6.

Charitable Organizations and Charitable Representatives.

Subtitle 1. Definitions; General Provisions.

6-101. Definitions.

- (a) In general.
- (b) Associate solicitor.
- (c) Charitable contribution.
- (d) Charitable organization.
- (e) Charitable representative.
- (f) Charitable solicitation.
- (g) Disclosure statement.
- (h) Fund-raising counsel.
- (i) Professional solicitor.
- (j) Public safety contribution.
- (k) Public safety organization.
- (l) Public safety solicitor.

6-102. Scope of title.

Subtitle 3. Charitable Representatives.

6-304. Issuance of registration.

Subtitle 4. Charitable Organizations.

6-402. Registration statements.

6-405. Requirements of exempt person.

6-406. Soliciting after application for registration.

6-407. Annual fees.

Subtitle 5A. Public Safety Solicitors.

6-5A-02. Registration requirements.

Subtitle 6. Prohibited Acts; Penalties.

6-603. Agreement with unregistered charitable organization.

6-619. Criminal penalty.

6-620. Public containers for deposit of money reflecting name of charitable organization.

Cross references. — As to licenses of pilots, see § 11-401 et seq. of the Business Occupations and Professions Article.

Title 16.

Cigarettes.

Subtitle 6. Fire Safety Performance Standard for Cigarettes.

Sec.

16-601. Definitions. [Subtitle subject to contingent abrogation.]

- (a) In general.
- (b) Cigarette.
- (c) Commission.
- (d) Consumer testing.
- (e) Manufacturer.
- (f) Quality control and quality assurance program.
- (g) Repeatability.
- (h) Retailer.
- (i) Sale.
- (j) Subwholesaler.
- (k) Vending machine operator.
- (l) Wholesaler.

16-602. General consideration. [Subtitle subject to contingent abrogation.]

16-602.1. Certification for cigarettes sold or distributed for consumer testing [Subtitle subject to contingent abrogation].

16-603. Certification. [Subtitle subject to contingent abrogation.]

16-604. Marking of certified cigarettes. [Subtitle subject to contingent abrogation.]

16-605. Certification provided by manufacturer to distributors. [Subtitle subject to contingent abrogation.]

16-606. Noncomplying cigarettes deemed contraband. [Subtitle subject to contingent abrogation.]

16-607. Regulations. [Subtitle subject to contingent abrogation.]

16-608. Violations; penalties. [Subtitle subject to contingent abrogation.]

16-609. Enforcement. [Subtitle subject to contingent abrogation.]

16-610. Seizure, destruction, and inspection of noncomplying cigarettes. [Subtitle subject to contingent abrogation.]

Title 17.

Miscellaneous State Business Licenses.

Subtitle 18. Traders and Chain Stores.

17-1804. Trader's license required.

As to duty of clerk of court to apply for blank licenses, and to make return of licenses issued, see §§ 2-208 and 2-210 of the Courts Article.

As to marriage licenses, see § 2-401 et seq. and § 2-501 et seq. of the Family Law Article.

As to licenses of sales finance companies, see § 11-401 et seq. of the Financial Institutions Article.

As to licenses of midwives, see § 8-601 et seq. of the Health Occupations Article.

As to licenses to practice medicine, see § 14-301 et seq. of the Health Occupations Article.

As to licenses of insurance companies, their brokers, agents and solicitors, see the Insurance Article.

As to licenses in connection with fish and fisheries, see Title 4 of the Natural Resources Article.

As to hunting licenses, see § 10-301 et seq. of the Natural Resources Article.

As to duty of Comptroller to have blank licenses prepared, see § 4-110 of the State Government Article.

As to licenses for vendors for sales and use tax purposes under Retail Sales Tax Act, see § 11-701 et seq. and § 13-1016 of the Tax - General Article.

As to licensing of airports, see § 5-304 of the Transportation Article.

As to licensing of air schools, see § 5-901 et seq. of the Transportation Article.

As to licenses for sale of alcoholic beverages, see Article 2B.

TITLE 4.

ATHLETICS.

Subtitle 3. Boxing, Kick Boxing, Wrestling, and Mixed Martial Arts.

§ 4-319. Ventilation and safety of structures.

A building or other structure that is used or intended to be used, wholly or partly, for a contest shall be ventilated properly and have fire exits and escapes in conformance with local law. (An. Code 1957, art. 56, § 116; 1992, ch. 4, § 2.)

TITLE 6.

CHARITABLE ORGANIZATIONS AND CHARITABLE REPRESENTATIVES.

Subtitle 1. Definitions; General Provisions.

§ 6-101. Definitions.

(a) *In general.* — In this title the following words have the meanings indicated.

(b) *Associate solicitor.* — “Associate solicitor” means a person who, for pay, solicits or receives charitable contributions for a professional solicitor.

(c) *Charitable contribution.* — (1) “Charitable contribution” means a contribution made on a representation that it will be used for a charitable purpose.

(2) “Charitable contribution” includes the payment, transfer, or enforceable pledge of financial help, including money, credit, property, or services.

(3) “Charitable contribution” does not include:

(i) an unsolicited gift;

(ii) a government grant or government money;

(iii) membership assessments, dues, or fines;

(iv) a payment for property sold or services rendered by a charitable organization, unless the property is sold or the services are rendered in connection with a charitable solicitation; and

(v) a public safety contribution as defined in subsection (j) of this section.

(d) *Charitable organization*. — (1) “Charitable organization” means:

(i) a person that:

1. is or holds itself out to be a benevolent, educational, eleemosynary, humane, patriotic, philanthropic, or religious organization; and

2. solicits or receives charitable contributions from the public; or

(ii) an ambulance, fire fighting, fraternal, rescue, or police or other law enforcement organization when it solicits charitable contributions from the public.

(2) “Charitable organization” includes an area, branch, chapter, office, or similar affiliate that solicits charitable contributions from the public within the State for a charitable organization that is organized or has its principal place of business outside the State.

(3) “Charitable organization” does not include:

(i) an agency of the State government or of a political subdivision; or

(ii) a political club, committee, or party.

(e) *Charitable representative*. — “Charitable representative” means a professional solicitor, associate solicitor, or fund-raising counsel.

(f) *Charitable solicitation*. — (1) “Charitable solicitation” means an oral or written request for a charitable contribution, regardless of whether the person who makes the request receives the charitable contribution.

(2) “Charitable solicitation” includes:

(i) a fund-raising drive, event, campaign, or other activity;

(ii) an announcement to the news media seeking charitable contributions;

(iii) except as provided in § 6-621 of this title, the distribution of a written advertisement or other publication that, directly or implicitly, seeks charitable contributions; and

(iv) the sale of, or offer or attempt to sell an admission, advertisement, advertising space, book card, chance, coupon, device, magazine, membership, merchandise, patron listing, subscription, tag, ticket, or other tangible item in connection with which:

1. an appeal is made for charitable contributions;

2. the name of a charitable organization is used expressly or implicitly to induce a purchase; or

3. a statement is made that some or all of the proceeds from the sale are to be used for a charitable purpose.

(g) *Disclosure statement*. — “Disclosure statement” means a written statement that includes the following information:

(1) a statement that a copy of the current financial statement of the charitable organization is available on request;

(2) the name of the charitable organization and the address and telephone number where requests for a copy of the financial statement should be directed; and

(3) a statement that, for the cost of copies and postage, documents and information submitted under this title are available from the Secretary of State.

(h) *Fund-raising counsel*. — (1) “Fund-raising counsel” means a person who, for pay:

(i) advises a charitable organization about a charitable solicitation in Maryland or holds, plans, or manages a charitable solicitation in Maryland; but

(ii) does not directly solicit or receive charitable contributions from the public.

(2) “Fund-raising counsel” does not include:

(i) an attorney because of giving legal advice;

(ii) an attorney, investment counselor, or banker because of advising a client or customer to contribute to a charitable organization;

(iii) a salaried officer or employee of a charitable organization that keeps a permanent office in the State;

(iv) a person who prepares a grant proposal for submission to a specific charitable organization, corporation, or foundation; or

(v) a person who is engaged as an independent contractor directly by a charitable organization and who:

1. prints, reproduces, or distributes written materials prepared by a charitable organization or an employee of the charitable organization;

2. performs artistic or graphic services relating to written materials prepared by a charitable organization or an employee of the charitable organization; or

3. is regularly and primarily engaged in the planning and organizing of meetings, social events, or other similar activities, but who does not solicit charitable contributions as a part of the person’s services.

(i) *Professional solicitor*. — (1) “Professional solicitor” means a person who, for pay:

(i) advises a charitable organization about a charitable solicitation;

(ii) holds, plans, or manages a charitable solicitation; or

(iii) solicits or receives charitable contributions for a charitable organization, personally or through an associate solicitor.

(2) “Professional solicitor” does not include:

(i) an attorney, investment counselor, or banker because of advising a client or customer to contribute to a charitable organization;

(ii) a salaried officer or employee of a charitable organization that keeps a permanent office in the State; or

(iii) a person who solicits, receives, or collects used personal property, including household goods, furniture, appliances, or clothing, if the property is displayed or resold to the public at a retail establishment.

(j) *Public safety contribution*. — “Public safety contribution” means a contribution made on a representation that it will be used for the purposes of a public safety organization.

(k) *Public safety organization*. — “Public safety organization” means a person who is or purports to be a fire fighting, ambulance, rescue, police, fraternal, or other law enforcement organization.

(l) *Public safety solicitor*. — (1) “Public safety solicitor” means a person who, for pay, solicits or receives public safety contributions, personally or through another.

(2) “Public safety solicitor” does not include:

(i) an attorney, investment counselor, or banker because of advising a client or customer to make a public safety contribution; or

(ii) an individual who is a member, salaried officer, or employee of a public safety organization that is affiliated with a State or local agency and keeps a permanent office in the State. (An. Code 1957, art. 41, § 3-201; 1992, ch. 4, § 2; 1993, ch. 386, § 3; 1996, ch. 371; 1997, ch. 271; 2000, ch. 500; 2016, ch. 649.)

Effect of amendments. — Chapter 649, Acts 2016, effective October 1, 2016, reenacted (a), (c), (d), and (f) without change; added (h)(2)(v); and made related changes.

Maryland Law Review. — For note, “Taking the Chartered Route Around Municipal Immunity,” see 41 Md. L. Rev. 316 (1982).

Certain organizations included. — Fraternal, rescue, fire fighting, ambulance or law enforcement organizations are expressly included as charitable organizations under this section when they are soliciting for charitable purposes. *Lucas v. Curran*, 856 F. Supp. 260 (D. Md. 1994).

§ 6-102. Scope of title.

(a) *“Member” defined.* — (1) In this section, “member” includes a student, former student, parent of a student or former student, present or former board member, and staff member of an accredited school, college, or university.

(2) In this section, “member” does not include an individual who is granted membership on making a charitable contribution as the result of a charitable solicitation.

(b) *Exclusion.* — (1) Except as provided in paragraph (2) of this subsection, this title does not apply to fund-raising by a volunteer organization of firefighters or rescue or ambulance personnel for its ambulance, fire fighting, or rescue operations.

(2) This title applies to a public safety solicitor employed by a volunteer organization of firefighters or rescue or ambulance personnel.

(c) *Exemptions.* — (1) Except as provided in paragraph (2) of this subsection, a charitable organization is exempt from the registration and disclosure requirements of this title if the charitable organization:

(i) does not employ a professional solicitor; and

(ii) 1. solicits charitable contributions for a named individual and the gross amount is delivered to the individual;

2. A. is a religious organization, a parent organization of a religious organization, or a school affiliated with a religious organization; and

B. has in effect a declaration of tax-exempt status from the government of the United States;

3. solicits charitable contributions only from its members;

4. does not receive more than \$25,000 in charitable contributions from the public during the year for which a registration statement and annual report otherwise would be required; or

5. only receives contributions from for-profit corporations and organizations determined to be private foundations by the government of the United States.

(2) (i) A charitable organization claiming exemption under paragraph (1) of this subsection shall submit evidence of its entitlement to an exemption upon request of the Secretary of State.

(ii) A charitable organization that fails to submit evidence satisfactory to the Secretary of State under subparagraph (i) of this paragraph is not exempt from the requirements of this title. (An. Code 1957, art. 41, §§ 3-201, 3-203; 1992, ch. 4, § 2; 1993, ch. 386, § 3; 1995, ch. 89; 1996, ch. 371; 2000, ch. 43; ch. 61, § 1; ch. 500.)

Exemption rationales. — The narrow exemptions in subsection (c) of this section are a practical and legitimate recognition of the fact that the risk of fraud or overreaching by those organizations is minimal and that it would be extremely costly and difficult for the State to attempt to regulate those organizations because they operate on such a small scale; in addition, the exemption for tax-exempt reli-

gious organizations recognizes that the risk of State entanglement in the free exercise of religion simply outweighs the need to regulate organizations in which the chance of fraud is kept to a minimum by the federal tax laws. The differential treatment of these organizations is clearly justified and does not violate the Equal Protection Clause. *Lucas v. Curran*, 856 F. Supp. 260 (D. Md. 1994).

Subtitle 3. Charitable Representatives.

§ 6-304. Issuance of registration.

(a) *For qualified applicants.* — If the Secretary of State finds that an applicant for registration has complied with this title and the regulations adopted under it, the Secretary of State shall approve the application.

(b) *Notice of noncompliance.* — If the Secretary of State finds that an applicant for registration has not complied with this title and the regulations adopted under it applicable to registration, the Secretary of State shall notify the applicant of the reasons the applicant is not in compliance. (An. Code 1957, art. 41, §§ 3-206, 3-207, 3-208; 1992, ch. 4, § 2; 1993, ch. 386, § 3.)

Subtitle 4. Charitable Organizations.

§ 6-402. Registration statements.

(a) *Form.* — A registration statement shall be on the form that the Secretary of State provides.

(b) *Contents — In general.* — Except as provided in subsection (c) of this section, the registration statement shall contain or be accompanied by:

(1) the name and address of the charitable organization and of any affiliate, branch, or chapter in the State;

(2) the name and address of:

(i) each officer, including each principal salaried executive staff officer, and each other person with final responsibility for the custody and final distribution of the charitable contributions made to the charitable organization; or

(ii) each person who has custody of the financial records of the charitable organization if the charitable organization does not have a local office in the State;

(3) a statement of:

(i) the purposes for which the charitable organization was organized;

(ii) the purposes for which charitable contributions will be used; and

(iii) whether the charitable organization intends to solicit directly or to have a professional solicitor or fund-raising counsel solicit charitable contributions on its behalf;

(4) a copy of the articles of incorporation or other governing instrument of the charitable organization;

(5) a copy of a letter from the Internal Revenue Service, or other evidence, showing the tax-exempt status of the charitable organization;

(6) (i) a copy of federal Form 990 that the charitable organization submits to the Internal Revenue Service; or

(ii) information that the charitable organization states on a form that the Secretary of State provides;

(7) (i) an audit by an independent certified public accountant if the gross income from charitable contributions in the most recently completed fiscal year is at least \$750,000; or

(ii) a review by an independent certified public accountant if the gross income from charitable contributions in the most recently completed fiscal year is at least \$300,000 but less than \$750,000;

(8) an affidavit signed by the chairman, president, or other principal officer attesting to the truth of the registration statement and each supporting document;

(9) (i) a certification that all taxes due from the applicant to the State or to Baltimore City or a county of the State for the preceding fiscal year have been paid, and all taxes the applicant was required to collect and pay over to the State or to Baltimore City or a county of the State for the preceding fiscal year have been collected and paid over; or

(ii) a certification that the taxes due from the applicant to the State or to Baltimore City or a county are under dispute and the dispute has not been finally resolved; and

(10) any other information that the Secretary of State requires by regulation.

(c) *Contents — Exception.* — The Secretary of State may accept other documentation in place of any item required under subsection (b) of this section.

(d) *Audit or review of income falling below limit.* — The Secretary of State may require an audit or review if the amount of gross income is less than \$750,000. (An. Code 1957, art. 41, §§ 3-202, 3-214; 1992, ch. 4, § 2; ch. 125, § 2; 1993, ch. 386, § 3; 2009, ch. 60, § 5; chs. 100, 101; 2014, ch. 654; 2016, ch. 527.)

Effect of amendments. — Chapters 100 and 101, Acts 2009, effective June 1, 2009, made identical changes. Each reenacted (a) and (c) without change; substituted “\$500,000” for “\$200,000” in (b)(8)(i), (b)(8)(ii), and (d); and substituted “\$200,000” for “\$100,000” in (b)(8)(ii).

Chapter 654, Acts 2014, effective October 1, 2014, reenacted (a) without change; deleted (b)(4); and redesignated accordingly.

Chapter 527, Acts 2016, effective July 1, 2016, reenacted (a) and (c) without change; in (b)(7)(i), in (b)(7)(ii), and (d) substituted “\$750,000” for “\$500,000”; and in (b)(7)(ii) substituted “\$300,000” for “\$200,000.”

Editor’s note. — Pursuant to § 5, ch. 60, Acts 2009, a hyphen was inserted between “tax” and “exempt” in (b)(6).

§ 6-405. Requirements of exempt person.

(a) *Fund-raising notice.* — Except for parent-teacher organizations and youth sports organizations soliciting charitable contributions for programs for minors, a person exempt under § 6-102(c)(1)(ii)1 or 4 of this title shall submit annually a fund-raising notice to the Secretary of State on the form that the Secretary requires.

(b) *IRS Form 990.* — A person exempt under § 6-102(c)(1)(ii)2 of this title shall submit an IRS Form 990 to the Secretary of State if required to file one with the Internal Revenue Service. (1993, ch. 386, § 3; 1994, ch. 144; 2000, ch. 43.)

§ 6-406. Soliciting after application for registration.

(a) *Soliciting after application for registration.* — (1) Unless exempted from registration under § 6-413 of this subtitle, a person may not solicit the public as a charitable organization prior to registration.

(2) The Circuit Court of Anne Arundel County or other court of competent jurisdiction may restrain or enjoin a person from soliciting in violation of paragraph (1) of this subsection.

(b) *Burden of proof; burden of production.* — (1) Except as provided in paragraph (2) of this subsection, the Secretary of State has the burden of proof in any court proceeding:

(i) to restrain or enjoin a charitable organization from soliciting the public; or

(ii) based on an appeal by a charitable organization of a final decision of the Secretary of State under § 6-404(c) of this subtitle.

(2) A charitable organization claiming to be exempt from the requirements of this title has the burden of production of evidence on that issue.

(c) *Stop order.* — The Circuit Court for Anne Arundel County or other court of competent jurisdiction may order a charitable organization to stop soliciting the public if the charitable organization:

(1) is required to be registered but has not applied to be registered; or

(2) has otherwise violated the Maryland Charitable Solicitations Act. (1992, ch. 125, § 2; 1993, ch. 386, § 3; 2006, ch. 459.)

§ 6-407. Annual fees.

(a) *For charitable contributions below \$25,000.* — A charitable organization that collects less than \$25,000 in charitable contributions from the public in a year need not pay an annual fee, except that, if the charitable organization uses a professional solicitor, it shall pay an annual fee of \$50.

(b) *For charitable contributions of at least \$25,000.* — (1) Each charitable organization that submits a separate registration statement and collects at least \$25,000 in charitable contributions from the public in a year shall pay an annual fee based on the charitable contributions collected.

(2) The annual fee shall be:

(i) \$50, if charitable contributions from the public are at least \$25,000 but less than \$50,001;

(ii) \$75, if charitable contributions from the public are at least \$50,001 but less than \$75,001;

(iii) \$100, if charitable contributions from the public are at least \$75,001 but less than \$100,001;

(iv) \$200, if charitable contributions from the public are at least \$100,001 but less than \$500,001; and

(v) \$300, if charitable contributions from the public are at least \$500,001.

(c) *Failure to file annual report.* — (1) An organization failing to file an annual report either by the end of the 6-month period after the end of the charitable organization's fiscal year or within any period of extension granted shall pay, in addition to the annual fee, \$25 for each month or part thereof after the date on which the annual report was due to be filed or after the period of extension granted for such filing.

(2) The late fee shall be assessed 60 days after:

(i) the end of the 6th month after the end of the fiscal year; or

(ii) the period of extension.

(3) Failure to remit an assessed late fee is a violation of this title.

(d) *Use of revenues from annual fees.* — The following revenues shall be distributed to the Charitable Enforcement Fund under Subtitle 2A of this title, to be used only to support the actions of the Secretary of State and the Attorney General in carrying out the duties of the Secretary of State and the Attorney General under this title and Title 6.5 of this article:

(1) \$100 of the annual fee paid by each charitable organization under subsection (b)(2)(v) of this section; and

(2) the late fees collected under subsection (c) of this section. (An. Code 1957, art. 41, § 3-202; 1992, ch. 4, § 2; ch. 125, § 1; 2000, ch. 43; 2014, ch. 654; 2018, ch. 668.)

Effect of amendments. — Chapter 654, Acts 2014, effective October 1, 2014, reenacted (a) without change; in (b)(2)(iv) added “but less than \$500,001; and”; and added (b)(2)(v) and (d).

Chapter 668, Acts 2018, effective July 1, 2018, substituted “The following revenues” for “Of the revenues collected from the annual fee under subsection (b)(2)(v) of this section, \$100 of the annual fee paid by each charitable organization” at the beginning of (d); and added (d)(1) and (d)(2).

Editor's note. — Section 4, ch. 654, Acts 2014, provides that “it is the intent of the General Assembly that the increase in fees for registration as a professional solicitor or fund-raising counsel and the increase in the annual fee for a charitable organization required under Section 1 of this Act be used to provide additional resources, including personnel and information technology, for administration and enforcement of Title 6 and Title 6.5 of the Business Regulation Article, as enacted by this Act.”

Subtitle 5A. Public Safety Solicitors.

§ 6-5A-02. Registration requirements.

An applicant for registration as a public safety solicitor shall:

(1) submit to the Secretary of State an application under oath on the form the Secretary of State provides for each public safety organization on whose behalf the applicant is soliciting in the State;

(2) pay to the Secretary of State an application fee of \$100 for registration as a public safety solicitor;

(3) (i) certify that all taxes due from the applicant to the State or to Baltimore City or a county of the State during the preceding fiscal year have been paid, and all taxes the applicant was required to collect and pay over to the State or to Baltimore City or a county of the State during the preceding fiscal year have been collected and paid over; or

(ii) certify that the taxes due from the applicant to the State or to Baltimore City or a county are under dispute and the dispute has not been finally resolved; and

(4) provide any other nonproprietary information that the Secretary of State requires by regulation. (2000, ch. 500; 2001, ch. 16; 2014, ch. 654.)

Effect of amendments. — Chapter 654, Acts 2014, effective October 1, 2014, deleted (2) and redesignated accordingly.

Subtitle 6. Prohibited Acts; Penalties.

§ 6-603. Agreement with unregistered charitable organization.

(a) *In general.* — A professional solicitor or fund-raising counsel may not make an agreement with a charitable organization unless the charitable organization has applied to register with the Secretary of State or is otherwise exempt.

(b) *Other limitations.* — A charitable organization may not make an agreement with a professional solicitor or fund-raising counsel unless the professional solicitor or fund-raising counsel has applied to register with the Secretary of State or is otherwise exempt. (An. Code 1957, art. 41, § 3-207; 1992, ch. 4, § 2; 1993, ch. 386, § 3; 2000, ch. 43.)

Editor's note. — As to inclusion of funds in the annual budget in fiscal 2002 and thereafter for the Charitable Giving Information Program, related to the fees collected under § 6-407(c), see § 2, ch. 43, Acts 2000.

§ 6-619. Criminal penalty.

(a) *Willful violation.* — A person who commits a willful violation of this title or who causes a person to commit a willful violation of this title is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.

(b) *Grossly negligent violation.* — A person who commits a grossly negligent violation of this title or who causes a person to commit a grossly negligent violation of this title is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$3,000 or liability for restitution that the court determines or both. (An. Code 1957, art. 41, § 3-214; 1992, ch. 4, § 2; 1997, ch. 271.)

§ 6-620. Public containers for deposit of money reflecting name of charitable organization.

A person who places in an establishment or other location open to the public a vending machine, canister, or other device or container for the deposit of money that reflects the name of a charitable organization or a charitable purpose shall:

- (1) state on the device or container:
 - (i) the address of the charitable organization named; and
 - (ii) the name and address of the business placing the device or container, if not the charitable organization; and
- (2) state on the device or container and to the person who grants permission for the placement of the device or container that a portion of the money deposited is retained by the business placing the device or container and that the remainder is given to a charitable organization or used for charitable purposes, if less than all of the money deposited is given to a charitable organization or used for charitable purposes. (1994, ch. 144; 1997, ch. 271.)

TITLE 16.

CIGARETTES.

Subtitle 6. Fire Safety Performance Standard for Cigarettes.

§ 16-601. Definitions. [Subtitle subject to contingent abrogation.]

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Cigarette.* — “Cigarette” has the meaning stated in § 16-101 of this title.

(c) *Commission.* — “Commission” means the State Fire Prevention Commission.

(d) *Consumer testing.* — “Consumer testing” means an assessment of cigarettes that is conducted by a manufacturer or conducted under the control and direction of a manufacturer for the purpose of evaluating consumer acceptance of the cigarettes by using only the quantity of cigarettes that is reasonably necessary for the assessment.

(e) *Manufacturer.* — “Manufacturer” has the meaning stated in § 16-201 of this title.

(f) *Quality control and quality assurance program.* — “Quality control and quality assurance program” means laboratory procedures implemented to ensure that:

(1) operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the testing; and

(2) the testing repeatability remains within the required repeatability value for any test trial used to certify cigarettes under this subtitle.

(g) *Repeatability*. — “Repeatability” means the range of values within which the repeat results of cigarette test trials from a single laboratory fall 95% of the time.

(h) *Retailer*. — “Retailer” has the meaning stated in § 16-201 of this title.

(i) *Sale*. — (1) “Sale” means the exchange or transfer, or the agreement to exchange or transfer, title or possession of property in any manner or by any means for consideration.

(2) “Sale” includes:

(i) the giving or distribution of cigarettes as samples, prizes, gifts, or in connection with consumer testing; and

(ii) the exchange of cigarettes for any consideration other than money.

(j) *Subwholesaler*. — “Subwholesaler” has the meaning stated in § 16-201 of this title.

(k) *Vending machine operator*. — “Vending machine operator” has the meaning stated in § 16-201 of this title.

(l) *Wholesaler*. — “Wholesaler” has the meaning stated in § 16-201 of this title. (2007, ch. 497; 2009, chs. 347, 688.)

Effect of amendments. — Chapter 347, Acts 2009, effective October 1, 2009, rewrote (d) [now (e)].

Chapter 688, Acts 2009, effective October 1, 2009, added (d), (i), and redesignated accordingly.

Editor’s note. — Section 5, ch. 497, Acts 2007, provides that “this Act shall take effect July 1, 2008. It shall remain effective until a federal reduced cigarette ignition propensity standard is adopted and become effective. If a federal reduced cigarette ignition propensity standard is adopted and becomes effective, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect. The Comptroller shall monitor federal actions regarding the establishment of fire safety standards for cigarettes and promptly forward notice of the adoption of a federal reduced cigarette ignition propensity

standard to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.”

Section 2, ch. 688, Acts 2009, provides that “this Act shall take effect October 1, 2009. It shall remain effective until the taking effect of the termination provision specified in Section 5 of Chapter 497 of the Acts of the General Assembly of 2007. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.”

Chapters 347 and 688, Acts 2009, both amended (b). Neither chapter referred to the other, and effect has been given to both. Subsection (d) as rewritten by ch. 347 has been redesignated as (e), following the addition of (d) by ch. 688.

§ 16-602. General consideration. [Subtitle subject to contingent abrogation.]

(a) *Testing and certification*. — Except as provided in § 16-602.1 of this subtitle, cigarettes may not be manufactured in this State or sold or offered for sale to any person in this State unless:

(1) the cigarettes have been tested in accordance with the test method and meet the performance standard specified in this section; and

(2) the manufacturer has filed a written certification with the Comptroller in accordance with § 16-603 of this subtitle.

(b) *Performance standard*. — The performance standard for cigarettes sold or offered for sale in the State includes all of the requirements in subsection (e)(1) of this section.

(c) *Test methods.* — (1) Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials (ASTM) standard E2187-04 “Standard Test Method for Measuring the Ignition Strength of Cigarettes”.

(2) The Comptroller, in consultation with the Commission, may adopt a subsequent ASTM standard test method for measuring the ignition strength of cigarettes on a finding that the subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM standard E2187-04 and the performance standard of this section.

(d) *Testing requirements.* — Testing of cigarettes shall be conducted on 10 layers of filter paper.

(e) *Complete test trial; error rate.* — (1) No more than 25% of the cigarettes tested in a test trial shall exhibit full-length burns.

(2) Forty replicate tests shall comprise a complete test trial for each cigarette tested.

(f) *Performance standard applicable only to complete test trials.* — The performance standard required by this section shall only be applied to a complete test trial.

(g) *Requirements for testing laboratories.* — (1) Each laboratory that conducts tests in accordance with this section shall:

(i) have current accreditation pursuant to Standard ISO/IEC 17025 of the International Organization for Standardization, subsequent laboratory standardization, or another comparable accreditation as determined by the Comptroller; and

(ii) implement a quality control and quality assurance program that includes a procedure to determine the repeatability of the testing results.

(2) The repeatability value shall be no greater than 0.19.

(h) *Marking of paper for certified cigarettes.* — (1) Each cigarette listed in a certification that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard of this section shall have at least two nominally identical bands on the paper surrounding the tobacco column.

(2) At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette.

(3) For a cigarette on which the bands are positioned by design, at least two bands shall be located at least 15 millimeters from the lighting end and 10 millimeters from the filter end of the tobacco column.

(4) For an unfiltered cigarette, the two complete bands shall be located at least 15 millimeters from the lighting end and 10 millimeters from the labeled end of the tobacco column.

(i) *Alternate test and performance methods.* — (1) If the Comptroller determines that a cigarette cannot be tested in accordance with the test method required by this section, the manufacturer of the cigarette shall propose to the Comptroller a test method and performance standard for that cigarette.

(2) The Comptroller, in consultation with the Commission, may approve a test method and performance standard that the Comptroller determines is

equivalent to the requirements of this section, and the manufacturer may use that test method and performance standard for certification of a cigarette in accordance with § 16-603 of this subtitle.

(3) (i) The Comptroller, in consultation with the Commission, shall approve a test method and performance standard used in another state if the Comptroller determines that:

1. the other state has enacted a reduced cigarette ignition propensity standard that includes a test method and performance standard that are the same as the requirements of this section; and

2. the officials responsible for implementing the requirements in the other state have approved of the alternative test method and performance standard for a particular cigarette under a legal provision comparable to this section.

(ii) A manufacturer may use a test method and performance standard approved under subparagraph (i) of this paragraph for certification in accordance with § 16-603 of this subtitle of the cigarette used in the approved test method.

(j) *Additional testing not required.* — This section does not require additional testing for cigarettes that are tested in a manner consistent with the requirements of this section for any other purpose.

(k) *Retention of copies of reports.* — (1) Each manufacturer shall retain copies of the reports of all tests conducted on all cigarettes offered for sale for 3 years.

(2) (i) On request, the manufacturer shall provide the data retained under paragraph (1) of this subsection to the Comptroller, the Commission, or the Attorney General within 60 days after receiving the request, for the purpose of ensuring compliance with this section.

(ii) A manufacturer who does not provide the data within 60 days of a request is subject to a civil penalty not to exceed \$10,000 for each day after the 60th day that the violation continues.

(l) *Implementation standards for subtitle.* — This subtitle shall be implemented in accordance with the implementation and substance of the New York fire safety standards for cigarettes. (2007, ch. 497; 2009, ch. 688.)

Effect of amendments. — Chapter 688, Acts 2009, effective October 1, 2009, added the exception in the introductory language of (a) and made a stylistic change.

Editor's note. — Section 2, ch. 688, Acts 2009, provides that “this Act shall take effect October 1, 2009. It shall remain effective until

the taking effect of the termination provision specified in Section 5 of Chapter 497 of the Acts of the General Assembly of 2007. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.”

§ 16-602.1. Certification for cigarettes sold or distributed for consumer testing [Subtitle subject to contingent abrogation].

(a) *Not required.* — Cigarettes that are sold or distributed for the purpose of consumer testing in a controlled setting in which the cigarettes are either smoked on the site of the testing or returned to the testing administrator at the

conclusion of the testing are not subject to the certification requirements of § 16-602 of this subtitle.

(b) *Required.* — (1) Except as provided in subsection (c) of this section, cigarettes that are sold or distributed for the purpose of consumer testing in any setting other than a controlled setting as described in subsection (a) of this section are subject to the certification requirements of § 16-602 of this subtitle.

(2) A manufacturer certification under this subsection may not be subject to § 16-605 of this subtitle.

(c) *Confidential descriptors.* — (1) (i) The manufacturer may submit to the Comptroller, as “confidential under seal”, descriptors for each cigarette sold or distributed for the purpose of consumer testing under subsection (b)(1) of this section.

(ii) Descriptors shall include brand, style, length, circumference, flavor, and package.

(2) Notwithstanding any other provision of law, the information submitted in accordance with paragraph (1) of this subsection:

(i) is not subject to disclosure under State law or discovery in civil litigation; and

(ii) may be used by the Comptroller or the Attorney General for the purpose of enforcing the provisions of this title. (2009, ch. 688.)

Editor’s note. — Section 2, ch. 688, Acts 2009, provides that “this Act shall take effect October 1, 2009. It shall remain effective until the taking effect of the termination provision specified in Section 5 of Chapter 497 of the Acts

of the General Assembly of 2007. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.”

§ 16-603. Certification. [Subtitle subject to contingent abrogation.]

(a) *In general.* — (1) Each manufacturer shall submit to the Comptroller written certification attesting that each cigarette has been tested in accordance with and has met the performance standard required under § 16-602 of this subtitle.

(2) A certification under paragraph (1) of this subsection may not list more than 50 cigarettes.

(b) *Description of cigarettes.* — The description of each cigarette listed in the certification shall include:

- (1) the brand or trade name on the package;
- (2) the style, such as light or ultra light;
- (3) the length in millimeters;
- (4) the circumference in millimeters;
- (5) the flavor, such as menthol or chocolate, if applicable;
- (6) whether filtered or nonfiltered;
- (7) a package description, such as a soft pack or box;
- (8) the mark approved in accordance with § 16-604 of this subtitle;
- (9) if different from the manufacturer, the name, address, and telephone number of the laboratory that conducted the test; and
- (10) the date of the testing.

(c) *Availability of certification.* — The certification shall be made available to:

(1) the Attorney General and the Commission for purposes consistent with this subtitle; and

(2) the Comptroller for the purpose of ensuring compliance with this section.

(d) *Recertification.* — (1) Each cigarette certified under this section shall be recertified every 3 years.

(2) If a manufacturer of a cigarette that has been certified under this section makes a change that is likely to alter the cigarette's compliance with the performance standard under § 16-602(e) of this subtitle, that cigarette may not be sold in this State until the manufacturer, in accordance with § 16-602 of this subtitle, retests and maintains the proper records of the testing. (2007, ch. 497.)

Editor's note. — Section 2, ch. 497, Acts 2007, provides that “the requirement that cigarettes sold in this State must be in compliance with this Act does not prohibit retailers, subwholesalers, vending machine operators, or wholesalers from selling existing cigarette inventories on or after July 1, 2008, if the retailers, subwholesalers, vending machine operators, or wholesalers can establish that:

“(1) the tax stamps were affixed to the cigarettes as required by § 12-304 of the Tax - General Article before July 1, 2008; and

“(2) the inventories purchased between July 1, 2007 and July 1, 2008 are in a quantity comparable to the inventories purchased between July 1, 2006 and July 1, 2007.”

Section 3, ch. 497, Acts 2007, provides that “this Act may not be construed to prohibit a

person from selling or offering for sale cigarettes that have not been certified in accordance with § 16-603 of the Business Regulation Article, as enacted by this Act, if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States.”

Section 4, ch. 497, Acts 2007, provides that “this Act preempts any local law, ordinance, or regulation that conflicts with any provision of this Act or any policy of the State implemented in accordance with this Act and, notwithstanding any other provision of law, a governmental unit of this State may not enact or enforce an ordinance, local law, or regulation conflicting with or preempted by this Act.”

§ 16-604. Marking of certified cigarettes. [Subtitle subject to contingent abrogation.]

(a) *In general.* — Cigarettes that have been certified in accordance with § 16-603 of this subtitle shall be marked in accordance with the requirements of this section.

(b) *Marking requirements.* — The marking shall:

(1) consist of:

(i) any marking in use and approved for sale in New York under the New York fire safety standards for cigarettes; or

(ii) the letters “FSC” to signify Fire Standards Compliant;

(2) be in a font of at least 8 point type; and

(3) be permanently printed, stamped, engraved, or embossed on the package at or near the area of the UPC code, if present.

(c) *Alternative marking.* — A manufacturer may propose an alternative marking that:

(1) meets the criteria under subsection (b)(2) and (3) of this section; and

(2) consists of a visible combination of alphanumeric or symbolic characters or text permanently stamped, engraved, embossed, or printed:

- (i) in conjunction with the UPC code; or
- (ii) on the cigarette pack or cellophane wrap.

(d) *Approval of marking.* — (1) A manufacturer shall request approval of a proposed marking from the Comptroller.

(2) (i) The Comptroller shall approve a marking specified in subsection (b)(1) of this section.

(ii) A marking is deemed approved if the Comptroller fails to act within 10 business days after receiving a request for approval.

(3) A manufacturer may not use a modified marking unless the modification has been approved in accordance with this section.

(4) A manufacturer shall use only one marking on all brands that the manufacturer markets.

(5) A marking or modified marking approved by the Comptroller shall be applied uniformly on all brands marketed and on all packages, including packs, cartons, and cases marketed by that manufacturer. (2007, ch. 497.)

§ 16-605. Certification provided by manufacturer to distributors. [Subtitle subject to contingent abrogation.]

(a) *In general.* — The manufacturer shall:

(1) provide a copy of each certification to each wholesaler to which the manufacturer sells cigarettes; and

(2) provide sufficient copies of an illustration of the packaging marking approved and used by the manufacturer in accordance with § 16-604 of this subtitle for each retailer, subwholesaler, and vending machine operator that purchases cigarettes from the wholesaler.

(b) *Wholesaler distributions.* — The wholesaler shall provide a copy of the illustration to each retailer, subwholesaler, and vending machine operator to which the wholesaler sells cigarettes.

(c) *Markings to be available for inspection.* — Each retailer, subwholesaler, vending machine operator, and wholesaler shall allow the Comptroller or designee of the Comptroller to inspect the markings on cigarette packaging at any time. (2007, ch. 497.)

Bill review letter. — Chapter 497, Acts 2007 (House Bill 785) would allow the seizure of uncertified cigarettes from individuals. The bill requires that all cigarettes manufactured and sold in the State meet certain fire safety requirements. The bill provides cigarettes which have been approved will have a specific marking. Cigarettes that are not certified are

considered contraband. The bill allows for police officers to seize cigarettes that do not have the certified markings. The bill would allow the police to confiscate the unmarked cigarette regardless of who is in possession of the contraband cigarette. (Letter of the Attorney General dated March 16, 2007.)

§ 16-606. Noncomplying cigarettes deemed contraband. [Subtitle subject to contingent abrogation.]

Any cigarettes sold or offered for sale in the State that do not comply with the performance standard required by § 16-602 of this subtitle are deemed to

be contraband and subject to §§ 13-836, 13-837, and 13-839 of the Tax - General Article. (2007, ch. 497.)

Bill review letter. — Chapter 497, Acts 2007 (House Bill 785) would allow the seizure of uncertified cigarettes from individuals. The bill requires that all cigarettes manufactured and sold in the State meet certain fire safety requirements. The bill provides cigarettes which have been approved will have a specific marking. Cigarettes that are not certified are

considered contraband. The bill allows for police officers to seize cigarettes that do not have the certified markings. The bill would allow the police to confiscate the unmarked cigarette regardless of who is in possession of the contraband cigarette. (Letter of the Attorney General dated March 16, 2007.)

§ 16-607. Regulations. [Subtitle subject to contingent abrogation.]

The Comptroller:

(1) may adopt regulations necessary to carry out and administer this subtitle;

(2) in consultation with the Commission, may adopt regulations for the conduct of random inspections of retailers, subwholesalers, vending machine operators, and wholesalers to ensure compliance with this subtitle; and

(3) may establish a \$250 fee for each certification required under § 16-603 of this subtitle to cover the expenses of administering this subtitle. (2007, ch. 497.)

Bill review letter. — Chapter 497, Acts 2007 (House Bill 785) would allow the seizure of uncertified cigarettes from individuals. The bill requires that all cigarettes manufactured and sold in the State meet certain fire safety requirements. The bill provides cigarettes which have been approved will have a specific marking. Cigarettes that are not certified are

considered contraband. The bill allows for police officers to seize cigarettes that do not have the certified markings. The bill would allow the police to confiscate the unmarked cigarette regardless of who is in possession of the contraband cigarette. (Letter of the Attorney General dated March 16, 2007.)

§ 16-608. Violations; penalties. [Subtitle subject to contingent abrogation.]

(a) *Violations.* — (1) A manufacturer or other person that knowingly sells or offers for sale cigarettes other than by retail sale in violation of § 16-602 of this subtitle is subject to a civil penalty not to exceed \$100 for each package of cigarettes sold or offered for sale.

(2) Under this subsection, a total amount of civil penalties imposed on a manufacturer or other person may not exceed \$100,000 during any 30-day period.

(b) *Civil penalties — In general.* — (1) Except as provided in paragraphs (2) and (3) of this subsection, a retailer, subwholesaler, wholesaler, or other person that knowingly sells cigarettes in violation of § 16-602 of this subtitle is subject to a civil penalty not to exceed \$100 for each package of cigarettes sold.

(2) Under this subsection, a total amount of civil penalties imposed on a retailer may not exceed \$25,000 during any 30-day period.

(3) Under this subsection, a total amount of civil penalties imposed on a subwholesaler, wholesaler, or other person may not exceed \$100,000 during any 30-day period.

(c) *Civil penalties — False certification.* — A manufacturer that knowingly makes a false certification under § 16-603 of this subtitle is subject to a civil penalty of at least \$75,000 and not exceeding \$250,000 for each false certification. (2007, ch. 497.)

Bill review letter. — Chapter 497, Acts 2007 (House Bill 785) would allow the seizure of uncertified cigarettes from individuals. The bill requires that all cigarettes manufactured and sold in the State meet certain fire safety requirements. The bill provides cigarettes which have been approved will have a specific marking. Cigarettes that are not certified are

considered contraband. The bill allows for police officers to seize cigarettes that do not have the certified markings. The bill would allow the police to confiscate the unmarked cigarette regardless of who is in possession of the contraband cigarette. (Letter of the Attorney General dated March 16, 2007.)

§ 16-609. Enforcement. [Subtitle subject to contingent abrogation.]

(a) *In general.* — To enforce this subtitle:

(1) the Attorney General may bring an action to enjoin any acts in violation of this subtitle and to recover civil penalties authorized under § 16-608 of this subtitle; or

(2) the Attorney General or the Comptroller may examine the books, papers, invoices, and records of a person in possession, control, or occupancy of a building, structure, or land where cigarettes are placed, stored, sold, or offered for sale.

(b) *Distribution of civil penalties.* — Money collected from civil penalties recovered under this section shall be distributed to the Senator William H. Amoss Fire, Rescue, and Ambulance Fund. (2007, ch. 497.)

Bill review letter. — Chapter 497, Acts 2007 (House Bill 785) would allow the seizure of uncertified cigarettes from individuals. The bill requires that all cigarettes manufactured and sold in the State meet certain fire safety requirements. The bill provides cigarettes which have been approved will have a specific marking. Cigarettes that are not certified are

considered contraband. The bill allows for police officers to seize cigarettes that do not have the certified markings. The bill would allow the police to confiscate the unmarked cigarette regardless of who is in possession of the contraband cigarette. (Letter of the Attorney General dated March 16, 2007.)

§ 16-610. Seizure, destruction, and inspection of noncomplying cigarettes. [Subtitle subject to contingent abrogation.]

(a) *Seizure.* — A police officer or other authorized personnel as determined by regulations may seize cigarettes in the possession of a retailer, subwholesaler, vending machine operator, or wholesaler that have not been marked in accordance with § 16-604 of this subtitle.

(b) *Destruction of cigarettes; opportunity of trademark holder to inspect.* — (1) Subject to paragraph (2) of this subsection, cigarettes seized under this section shall be destroyed.

(2) The true holder of the trademark rights in the cigarette brand shall be provided the opportunity to inspect any cigarettes seized under this section before the cigarettes are destroyed. (2007, ch. 497.)

Editor's note. — See Editor's note to § 16-601 of this subtitle.

(Abrogation of subtitle contingent upon adoption of federal standards.)

Subtitle 6. Fire Safety Performance Standard for Cigarettes.

§§ 16-601 to 16-610. Fire Safety Performance Standard for Cigarettes.

Abrogated.

Editor's note. — Section 5, ch. 497, Acts 2007, provides that “this Act shall take effect July 1, 2008. It shall remain effective until a federal reduced cigarette ignition propensity standard is adopted and become[s] effective. If a federal reduced cigarette ignition propensity standard is adopted and becomes effective, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect. The Comptroller shall monitor federal actions regarding the establishment of fire safety standards for cigarettes and promptly forward notice of the adoption of a federal reduced cigarette ignition propensity standard to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland

21401.” This subtitle is set out above as it will appear if the federal standard becomes effective.

Section 2, ch. 688, Acts 2009, provides that “this Act shall take effect October 1, 2009. It shall remain effective until the taking effect of the termination provision specified in Section 5 of Chapter 497 of the Acts of the General Assembly of 2007. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.” This section is set out as it will appear when the contingency is met unless there is further action by the General Assembly.

TITLE 17.

MISCELLANEOUS STATE BUSINESS LICENSES.

Subtitle 18. Traders and Chain Stores.

§ 17-1804. Trader's license required.

(a) *In general.* — Except as otherwise provided in this subtitle, a person must have a trader's license whenever the person:

- (1) does business as a trader in the State; or
- (2) does business as an exhibitor in the State.

(b) *Separate license for each place of business.* — A separate trader's license is required for each store or fixed place of business that a person operates in the State.

(c) *Exceptions — In general.* — This section does not apply to:

- (1) a grower, maker, or manufacturer of goods;
- (2) a nonresident traveling salesperson, sample merchant, or representative of a foreign mercantile or manufacturing business while selling to or soliciting an order from a licensed trader in the State; or
- (3) a private individual while publicly selling the individual's personal effects on the individual's property, if the individual holds only 1 sale not exceeding 14 consecutive days in a calendar year.

(d) *Exceptions — Exhibitors.* — (1) An exhibitor need not get a trader's license for a show if the show is promoted by:

(i) a church, as defined in § 5-301(b) of the Corporations and Associations Article;

(ii) a governmental unit;

(iii) an amateur radio organization;

(iv) an antique vehicle, machine, and equipment organization;

(v) a volunteer fire department or rescue squad; or

(vi) a model train collectors' association.

(2) An exhibitor need not get a trader's license for a show if the exhibitor gives to the promoter an exhibitor's affidavit stating that the exhibitor:

(i) receives less than 10% of the exhibitor's annual income from selling the kind of goods that the exhibitor will display and sell at the show; and

(ii) has not participated in more than three shows, not including participation in one show sponsored by a national organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, during the previous 365 days.

(3) An exhibitor at an antique show, coin show, or collector show need not get a trader's license for the show if the exhibitor gives to the promoter an exhibitor's affidavit stating that the exhibitor:

(i) will display and sell at the show;

(ii) receives less than 10% of the exhibitor's annual income in the State from selling the kind of goods that the exhibitor will display and sell at the show; and

(iii) has not participated in more than three antique shows, coin shows, or collector shows in the State during the previous 365 days.

(4) An exhibitor who has a trader's license need not get an additional trader's license for a show if, before the show, the exhibitor gives the promoter a photocopy of the trader's license. (An. Code 1957, art. 56, §§ 13, 32, 33, 33A, 60; 1992, ch. 4, § 2; 2001, ch. 29, § 1; ch. 112; 2008, chs. 234, 235; 2009, ch. 60; 2019, chs. 569, 570.)

Cross references. — As to licenses under alcoholic beverages law, see Article 2B, § 3-101 et seq.

Effect of amendments. — Chapters 234 and 235, Acts 2008, effective June 1, 2008, made identical changes. Each reenacted (a) without change and in (d)(2)(ii) added “not including participation in one show sponsored by a national organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code” and made minor, stylistic changes.

Chapter 60, Acts 2009, enacted April 14, 2009, and effective from date of enactment, substituted “three” for “3” in (d)(2)(ii) and (d)(3)(iii).

Chapters 569 and 570, Acts 2019, effective October 1, 2019, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor's signature, made identical changes. Each reenacted (a) without change.

Constitutionality. — See *Ward v. Maryland*, 79 U.S. (12 Wall.) 418, 20 L. Ed. 449 (1870).

Construction. — Long construction put upon this section by administrative officers in not demanding trader's licenses from stall owners in Baltimore City markets was accepted by the court. *Arnreich v. State*, 150 Md. 91, 132 A. 430 (1926).

Dealer from fixed location. — Trader's license is intended for dealer from place of business. The licensee is one who has a stock in trade, and the fee is graduated in amount according to the amount of that stock in trade. *Brown v. State*, 177 Md. 321, 9 A.2d 209 (1939).

The trader's license is required only in the case of persons selling from a store or fixed place of business. *Plantabbs Corp. v. Comptroller of Treas.*, 225 Md. 65, 169 A.2d 395 (1961).

Separate license for each fixed location. — Traders both of merchandise generally and of cigarettes in particular (whether sold over the counter or by means of vending machines) are required to procure a separate license for each fixed location from which sales are offered or made. *Benco Vending, Inc. v. Comptroller of Treas.*, 244 Md. 377, 223 A.2d 759 (1966).

“Maker”. — Term “maker” is broader than “manufacturer,” and includes one who causes something to come into existence that is new and different from the raw materials of which it is composed. *Plantabbs Corp. v. Comptroller of Treas.*, 225 Md. 65, 169 A.2d 395 (1961).

Manufacturer. — “Manufacture” is the application to material of labor or skill whereby the original article is changed to a new, different and useful article, provided the process is of a kind popularly regarded as manufacture. *Plantabbs Corp. v. Comptroller of Treas.*, 225 Md. 65, 169 A.2d 395 (1961).

Baker. — Baker is manufacturer within the meaning of this section. *State v. Amick*, 171 Md. 536, 189 A. 817 (1937).

Fish cleaner; animal carcass processor. — But one who cleans and cuts up fish or cuts

up carcasses of animals for sale is not manufacturer within meaning of this section. *Arnreich v. State*, 150 Md. 91, 132 A. 430 (1926).

Indirect conversion of raw materials. — Company which effects conversion of its raw materials into finished products by contract rather than direct employment of labor is not trader which is required to have a trader’s license, since its whole business and the profit it derives are measured by the increase in value brought about by its conversion process. It makes no profit as a dealer, and a manufacturer does not become a merchant by disposing of the goods he has produced at a manufacturer’s profit. *Plantabbs Corp. v. Comptroller of Treas.*, 225 Md. 65, 169 A.2d 395 (1961).

COMMERCIAL LAW.

Title 13.

Consumer Protection Act.

Subtitle 3. Unfair, Abusive, or Deceptive Trade Practices.

Sec.

13-308. Electrical consumer products.

13-313. Fire resistant insulating material.

Title 14.

Miscellaneous Consumer Protection Provisions.

Subtitle 13. Miscellaneous Provisions.

14-1309. Stoves and freestanding fireplaces.

Sec.

14-1310. Unvented portable kerosene-fired heaters.

Acknowledgment of Official Comments. — Official Comments to the Uniform Commercial Code appear throughout Titles 1 through 10 of this article. These Official Comments are derived from the original Uniform Commercial Code commentary. References to “the Code” in the commentary refer to the Uniform Commer-

cial Code. The term “title” has been substituted for “article” throughout the Official Comments.

Copyright 1972, 1981, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996 and 1997 by the American Law Institute and the National Conference on Uniform State Laws. Reprinted with permission of the Permanent Editorial Board.

TITLE 13.

CONSUMER PROTECTION ACT.

Subtitle 3. Unfair, Abusive, or Deceptive Trade Practices.

§ 13-308. Electrical consumer products.

(a) *Symbol of testing laboratory required.* — A person may not sell or distribute an electrical consumer product which is intended ultimately for the personal use of a consumer in or around a permanent or temporary household or residence, unless the product is clearly labeled, marked, or stamped with the symbol of an electrical testing laboratory which is certified by the State Fire Marshal to test products to determine that they are safe for use.

(b) *Enforcement.* — (1) The Attorney General and the State Fire Marshal shall each enforce this section under the enforcement powers provided in this title and in the Public Safety Article.

(2) The fire department of Baltimore City shall report to the Division any violation of this section which it finds.

(c) *Penalty.* — Any person who knowingly and willfully violates the provisions of this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000. (An. Code 1957, art. 83, § 21J; 1975, ch. 49, § 3; 2003, ch. 17.)

Maryland Law Review. — For comment, “Maryland’s Consumer Protection Act: A Private Cause of Action for Unfair or Deceptive Trade Practices,” see 38 Md. L. Rev. 733 (1979).

Stated in *Klein v. State*, 52 Md. App. 640, 452 A.2d 173 (1982), cert. denied, 295 Md. 440 (1983); *State v. Action TV Rentals, Inc.*, 297 Md. 531, 467 A.2d 1000 (1983).

§ 13-313. Fire resistant insulating material.

(a) *Material required to meet minimum fire retardancy standards.* — A person may not sell or distribute cellulose or foam insulating material which is intended ultimately for the installation in a permanent or temporary household or residence, unless the insulating material meets minimum standards of fire retardancy established by the State Fire Prevention Commission or the federal government.

(b) *Basis of fire retardancy standards.* — The standards of fire retardancy shall be based on the results of tests conducted by a recognized fire testing laboratory approved by the State Fire Marshal.

(c) *Statements to be filed by seller or distributor.* — A person who sells or distributes cellulose or foam insulating material shall file with the State Fire Marshal a statement, on a form prescribed by the State Fire Marshal, for each brand and type of insulating material sold or distributed by the person, that the brand or type meets the fire retardancy standards established by the State Fire Prevention Commission or the federal government.

(d) *Enforcement.* — (1) The Attorney General and the State Fire Marshal shall each enforce this section under the enforcement powers provided in this title and in the Public Safety Article.

(2) The fire department of Baltimore City shall report to the Division of Consumer Protection any violation of this section which it finds.

(e) *Penalty.* — Any person who knowingly and willfully violates the provisions of this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000. (1978, ch. 685; 2003, ch. 17.)

Maryland Law Review. — For comment, “Maryland’s Consumer Protection Act: A Private Cause of Action for Unfair or Deceptive Trade Practices,” see 38 Md. L. Rev. 733 (1979).

Stated in *State v. Action TV Rentals, Inc.*, 297 Md. 531, 467 A.2d 1000 (1983).

TITLE 14.

MISCELLANEOUS CONSUMER PROTECTION PROVISIONS.

*Subtitle 13. Miscellaneous Provisions.***§ 14-1309. Stoves and freestanding fireplaces.**

(a) *Instructions required.* — A person may not sell, distribute, or install any new hand-fired heating stove or freestanding fireplace that is intended ultimately for installation in a permanent or temporary residence unless the stove or fireplace is accompanied with complete instructions on the safe installation and operation of the appliance, including information on:

(1) The safe clearance of structural members, as established by the National Fire Protection Association Pamphlet 89M, “Clearances for Heat Producing Appliances”;

(2) The type of fuel to be burned in the appliance;

(3) Proper starting instructions;

(4) Proper storage of fuel;

- (5) Safe disposal of ashes; and
- (6) Proper chimney maintenance.

(b) *Enforcement of section.* — (1) The Attorney General and the State Fire Marshal shall each enforce this section under the enforcement powers provided in this title and in the Public Safety Article.

(2) The fire department of Baltimore City shall report any violation of this section to the Division of Consumer Protection.

(c) *Penalty.* — Any person who knowingly and willfully violates the provisions of this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$500. (1980, ch. 585; 2003, ch. 17.)

§ 14-1310. Unvented portable kerosene-fired heaters.

(a) *Compliance with State Fire Prevention Code.* — With the written consent of the property owner, a person may use unvented portable kerosene-fired heaters in single family dwelling units and in commercial establishments in this State if the heaters otherwise comply with the State Fire Prevention Code regulations in effect on January 1, 1982.

(b) *Use in commercial establishment.* — (1) “Commercial establishment” does not include:

- (i) Places of public assembly capable of accommodating more than 50 persons;
- (ii) Child care centers;
- (iii) Educational occupancies;
- (iv) Health care occupancies;
- (v) Hotels and motels; or
- (vi) Buildings (other than office facilities) where open flame devices would readily ignite flammable liquid vapor, explosives, or dust, or buildings over 3 stories in height.

(2) In commercial establishments, portable kerosene heaters may not be located in such a manner as to obstruct exits.

(3) This section shall not be construed to prohibit or allow the prohibition of the demonstration or repair of unvented portable kerosene-fired heaters in any commercial establishment.

(c) *Manufacturer’s warning label.* — The manufacturer shall affix to each portable kerosene heater, in a safe and prominent place, a nondetachable warning label which states:

WARNING.

1. This unit must be used in an area which has proper ventilation. Consult owner’s manual for details and instructions.

2. Use of this heater may possibly be dangerous to persons with respiratory or circulatory disorders.

3. Only “water-clear” kerosene meeting 1-K (ASTM) specifications should be used in this heater.

(d) *Applicability to Baltimore City.* — In Baltimore City, this section does not affect or supersede any local law or ordinance which is more stringent or

CL, § 14-1310

FIRE LAWS OF MARYLAND

imposes a higher standard regarding the use or sale of portable kerosene heaters. (1982, ch. 286; 2012, ch. 66, § 1.)

Effect of amendments. — Section 1, ch. 66, Acts 2012, enacted April 10, 2012, and effective from date of enactment, substituted “Child” for “Day” in (b)(1)(ii).

CORPORATIONS AND ASSOCIATIONS.

Title 1.

General Provisions.

Subtitle 2. Fees and Recording.

Sec.

1-203.1. Exemptions.

Title 5.

Special Types of Corporations.

Subtitle 2. Nonstock Corporations.

5-201. Application of Maryland General Corporation Law.

5-202. Provisions in charter or bylaws.

Sec.

5-203. Calling of organization meeting.

5-204. Directors as members.

5-205. When membership reduced by death or resignation.

5-206. Insufficient number of members present at meeting.

5-207. Consolidation, merger, transfer of assets, or conversion.

5-208. Dissolution or forfeiture of charter.

Subtitle 7. Miscellaneous.

5-701. Restrictions on property holdings.

5-702. Assets subject to charitable or other restrictions.

TITLE 1.

GENERAL PROVISIONS.

Subtitle 2. Fees and Recording.

§ 1-203.1. Exemptions.

(a) *Volunteer fire company or volunteer rescue squad.* — With the exception of the recording fee to be paid when the Department accepts articles of incorporation for record, a volunteer fire company or volunteer rescue squad incorporated in this State is not subject to any of the recording, filing, or special fees enumerated in § 1-203 of this subtitle.

(b) *Qualified business entity under More Jobs for Marylanders Program.* — A qualified business entity that is a new business entity in a Tier I area, as defined under the More Jobs for Marylanders Program established under Title 6, Subtitle 8 of the Economic Development Article, is not subject to the fees enumerated in § 1-203 of this subtitle. (1978, ch. 970; 2007, ch. 5, § 7; 2017, ch. 149, § 1; 2019, ch. 211, § 1.)

Effect of amendments. — Section 1, ch. 149, Acts 2017, effective June 1, 2017, added the (a) designation and added (b).

Section 1, ch. 211, Acts 2019, effective June 1, 2019, substituted “Tier I area” for “Tier I county” in (b).

Editor’s note. — Section 8, ch. 149, Acts 2017, provides that “Section 1 of this Act shall be applicable to all taxable years beginning after December 31, 2017.”

Section 7, ch. 211, Acts 2019, provides that “Section 1 of this Act shall be applicable to all taxable years beginning after December 31, 2018.”

Stated in *Goldstein v. Chestnut Ridge Volunteer Fire Co.*, 984 F. Supp. 367 (D. Md. 1997).

Cited in *Utica Mut. Ins. Co. v. Gaithersburg-Washington Grove Fire Dep’t, Inc.*, 53 Md. App. 589, 455 A.2d 987, cert. denied, 296 Md. 224 (1983).

TITLE 5.

SPECIAL TYPES OF CORPORATIONS.

*Subtitle 2. Nonstock Corporations.***§ 5-201. Application of Maryland General Corporation Law.**

The provisions of the Maryland General Corporation Law apply to nonstock corporations unless:

- (1) The context of the provisions clearly requires otherwise; or
- (2) Specific provisions of this subtitle or other subtitles governing specific classes of corporations provide otherwise. (An. Code 1957, art. 23, § 132; 1975, ch. 311, § 2; 1976, ch. 567, § 2.)

University of Baltimore Law Review. — For a comment, “Nonprofit Corporations and Maryland’s Director and Officer Liability Statute: A Study of the Mechanics of Maryland’s Statutory Corporate Law,” see 18 U. Balt. L. Rev. 384 (1989).

University of Baltimore Law Forum. — For note on 2010 development, “*Pines Point Marina v. Rehak*: Upon Forfeit of a Corporate Charter, an Incorporated Council of Condominium Unit Owners Defaults to an Unincorporated Association, But Retains Its Right to Sue and Be Sued,” see 40 U. Balt. L. F. 143 (2010).

Vote required for voluntary dissolution. — The voluntary dissolution of a Maryland nonstock corporation which has voting members requires approval by the affirmative vote of two thirds of all of the members entitled to vote on the matter. *Carter v. Glen Burnie Volunteer Fire Co.*, 292 Md. 165, 438 A.2d 278 (1981).

Extent of county regulation of homeowners association governance. — The HOA Act does not generally bar a code county from regulating homeowners association (HOA) governance as a means of implementing its stormwater and other land use powers. The county may not, however, relax the few require-

ments that the HOA Act imposes on HOA governance, such as open meetings, access to records, and fidelity insurance for HOA directors, among other things. Further, the county’s measures must be consistent with the provisions of the Corporations and Associations Article applicable to HOAs that take the form of nonstock corporations. Section 5-206 of the Corporations and Associations Article is particularly relevant, as it specifies how a nonstock corporation may take an action if the number of members at a meeting is insufficient to form a quorum. 98 Op. Att’y Gen. 60 (August 8, 2013).

Quoted in *Koontz v. Association of Classified Employees*, 297 Md. 521, 467 A.2d 753 (1983); *O’Donnell v. Sardegna*, 336 Md. 18, 646 A.2d 398 (1994); *Pines Point Marina v. Rehak*, 406 Md. 613, 961 A.2d 574 (2008); *Sydnor v. Hathaway*, 228 Md. App. 691, 142 A.3d 658 (2016).

Stated in *Chevy Chase Sav. & Loan, Inc. v. State*, 306 Md. 384, 509 A.2d 670 (1986).

Cited in *O’Donnell v. Sardegna*, 336 Md. 18, 646 A.2d 398 (1994); *Ideal Fed. Sav. Bank v. Murphy*, 339 Md. 446, 663 A.2d 1272 (1995); *Shah v. Healthplus, Inc.*, 116 Md. App. 327, 696 A.2d 473 (1997), cert. denied, 347 Md. 682, 702 A.2d 291 (1997).

§ 5-202. Provisions in charter or bylaws.

(a) *Lack of authority to issue stock.* — The charter of each nonstock corporation formed after June 1, 1951, shall provide that the corporation has no authority to issue capital stock.

(b) *Other charter or bylaw provisions.* — Notwithstanding any other provision of this article, the charter or bylaws of a nonstock corporation may:

- (1) Divide the directors or members of the corporation into classes;
- (2) Prescribe the tenure and conditions of office of its directors, but no class of director may be elected to serve for a period shorter than the interval between annual meetings unless:

- (i) All or a class of directors must be members; and
- (ii) Qualifications for membership have the effect of shortening their tenure of office;
- (3) Prescribe the rights, privileges, and qualifications of its members;
- (4) Prescribe the manner of giving notice of any meeting of its members;
- (5) Provide for the number or proportion of voting members whose presence in person or by proxy constitutes a quorum at any meeting of its members;
- (6) Provide that any action may be taken or authorized by any number or proportion of the votes of all its members or all its directors entitled to vote;
- (7) Deny or limit the right of its members to vote by proxy; and
- (8) Provide for the right of members to vote by mail on a stated proposal or for the election of directors or any officers who are elected by members. (An. Code 1957, art. 23, §§ 133-135; 1975, ch. 311, § 2.)

Use of proxies in determining quorum. — A nonstock corporation is required to count members present by proxy at a meeting in determining a quorum, unless the corporate

charter excludes the use of proxies for quorum purposes. 76 Op. Att’y Gen. 105 (July 9, 1991).

Quoted in *Koontz v. Association of Classified Employees*, 297 Md. 521, 467 A.2d 753 (1983).

§ 5-203. Calling of organization meeting.

Notwithstanding the provisions of Title 2 of this article, the organization meeting of the board of directors named in the charter of a nonstock corporation may be called by either:

- (1) A majority of the incorporators; or
- (2) Not less than one third of the directors named in the charter. (An. Code 1957, art. 23, § 135; 1975, ch. 311, § 2.)

§ 5-204. Directors as members.

(a) *In general.* — For purposes of any law or rule relating to members of a nonstock corporation, the directors of a nonstock corporation, under either of the circumstances described in subsection (b) of this section:

- (1) Also constitute the members of the corporation; and
- (2) When meeting as directors, may exercise the rights and powers of members.

(b) *Application of section.* — This section applies if:

- (1) Neither the charter nor the bylaws of the corporation provide for members; or
- (2) The nonstock corporation in fact has no members. (An. Code 1957, art. 23, § 134; 1975, ch. 311, § 2; 1981, ch. 318.)

Nonstock corporation can restrict members. — A nonstock corporation can restrict its members to its board of directors or trustees. *Glass v. Doctors Hosp.*, 213 Md. 44, 131 A.2d 254 (1957).

Stated in *Sydnor v. Hathaway*, 228 Md. App. 691, 142 A.3d 658 (2016).

§ 5-205. When membership reduced by death or resignation.

(a) *Reduction of membership below majority.* — A nonstock corporation is not required to dissolve merely because the death or resignation of a member reduces the actual number of members to less than required by its charter or bylaws.

(b) *Power of remaining members.* — As long as there is a remaining member, he may fill vacancies and continue the corporate existence. (An. Code 1957, art. 23, § 134; 1975, ch. 311, § 2.)

§ 5-206. Insufficient number of members present at meeting.

(a) *Calling of additional meeting.* — If the number of members present at a properly called meeting of the members of a nonstock corporation is insufficient to approve a proposed action, another meeting of the members may be called for the same purpose if:

(1) The notice of the meeting stated that the procedure authorized by this section might be invoked; and

(2) By majority vote, the members present in person or by proxy call for the additional meeting.

(b) *Notice of additional meeting.* — Fifteen days notice of the time, place, and purpose of the additional meeting shall be given by advertisement in a newspaper published in the county where the principal office of the corporation is located. The notice shall contain the quorum and voting provisions of subsection (c) of this section.

(c) *Quorum and voting requirements at additional meeting.* — At the additional meeting, the members present in person or by proxy constitute a quorum. A majority of the members present in person or by proxy may approve or authorize the proposed action at the additional meeting and may take any other action which could have been taken at the original meeting if a sufficient number of members had been present. (An. Code 1957, art. 23, § 135; 1975, ch. 311, § 2.)

Use of proxies in determining quorum. — A nonstock corporation is required to count members present by proxy at a meeting in determining a quorum, unless the corporate charter excludes the use of proxies for quorum purposes. 76 Op. Att’y Gen. 105 (July 9, 1991).

Extent of county regulation of homeowners association governance. — The HOA Act does not generally bar a code county from regulating homeowners association (HOA) governance as a means of implementing its stormwater and other land use powers. The county may not, however, relax the few require-

ments that the HOA Act imposes on HOA governance, such as open meetings, access to records, and fidelity insurance for HOA directors, among other things. Further, the county’s measures must be consistent with the provisions of the Corporations and Associations Article applicable to HOAs that take the form of nonstock corporations. Section 5-206 of the Corporations and Associations Article is particularly relevant, as it specifies how a nonstock corporation may take an action if the number of members at a meeting is insufficient to form a quorum. 98 Op. Att’y Gen. 60 (August 8, 2013).

§ 5-207. Consolidation, merger, transfer of assets, or conversion.

(a) *Permitted consolidation, mergers, or conversions.* — (1) A nonstock corporation may consolidate or merge only with another nonstock corporation.

(2) A Maryland nonstock corporation may convert only into a foreign corporation that does not have the authority to issue stock.

(3) A foreign corporation that does not have the authority to issue stock:

(i) May convert into a Maryland nonstock corporation; and

(ii) May not convert into a Maryland corporation that has the authority to issue stock.

(b) *Consolidation, merger, transfer of assets, or conversion governed by Title 3.* — A consolidation, merger, transfer of assets, or conversion of a nonstock corporation shall be effected as provided in Title 3 of this article.

(c) *Corporation organized to hold title for labor organization.* — Notwithstanding § 3-105(e) of this article, a proposed consolidation, merger, transfer of assets, or conversion of a nonstock corporation organized to hold title to property for a labor organization, and for related purposes, shall be approved by the same affirmative vote of the members of the corporation that the constitution or bylaws of the labor organization requires for the same action. (An. Code 1957, art. 23, § 136; 1975, ch. 311, § 2; 1982, ch. 816; 1999, ch. 34, § 7; 2017, ch. 674, § 2; 2018, ch. 100.)

Cross references. — As to consolidation of other corporations, see Title 3 of this article.

Effect of amendments. — Section 2, ch. 674, Acts 2017, effective October 1, 2017, rewrote (a); in (b) and (c) added “or conversion”; and made related changes.

Chapter 100, Acts 2018, effective July 1, 2018, moved the (a)(1) designation; at the beginning of (a)(2) added “A Maryland nonstock corporation may”; added (a)(3); and made related changes.

University of Baltimore Law Review. — For article, “Corporate Law: An Introduction and Defense,” see 4 U. Balt. L. Rev. vii (1975).

Religious corporation may consolidate. — A religious corporation may consolidate with another under this section, by vote of a majority

of such members of the church as participate in such vote, in person or by proxy. From a consolidation a new corporation results in which all the property rights of both the constituents is vested by operation of law. *Bennett v. St. Paul’s Evangelical Lutheran Church*, 137 Md. 341, 112 A. 619 (1921).

Charter provisions not applicable to consolidation. — Provisions of a church charter forbidding voting by proxy and requiring a two-thirds majority in electing a pastor, amending the charter, disposing of property, etc., held not to apply to a consolidation. *Bennett v. St. Paul’s Evangelical Lutheran Church*, 137 Md. 341, 112 A. 619 (1921).

Cited in *First Am. Bank v. Shivers*, 97 Md. App. 405, 629 A.2d 1334 (1993).

§ 5-208. Dissolution or forfeiture of charter.

(a) *Application of Title 3 to nonstock corporations.* — Except as otherwise provided in this section, the dissolution or forfeiture of the charter of a nonstock corporation shall be effected as provided in Title 3 of this article. In dissolution or on forfeiture of the charter of the corporation, the directors have the powers and duties of directors of a stock corporation under this article.

(b) *Distribution of assets on dissolution or forfeiture.* — If a Maryland nonstock corporation dissolves or its charter is forfeited:

(1) Every liability and obligation of the corporation shall be paid and discharged or adequate provision for payment and discharge shall be made;

(2) Assets held by the corporation subject to legally valid requirements for their return, transfer, or conveyance on dissolution or forfeiture shall be disposed of in accordance with these requirements;

(3) Assets held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but not held subject to legally valid requirements for their return, transfer, or conveyance by reason of dissolution or forfeiture, shall be transferred or conveyed under a plan of distribution, adopted in the manner and by the vote required for authorization of dissolution of the corporation, to one or more Maryland or foreign corporations or associations having a similar or analogous character or purpose, or associated or connected with the corporation;

(4) Other assets shall be distributed as provided in the charter or the bylaws to the extent that the charter or bylaws determine the distributive rights of members or any class or classes of members, or provide for distribution to others; and

(5) Any remaining assets may be distributed to any person, society, organization, or Maryland or foreign corporation specified in a plan of distribution, adopted in the manner and by the vote required for authorization of dissolution of the corporation.

(c) *Application of §§ 3-412, 3-517, and 3-518 to dissolution or forfeiture of charter of nonstock corporation.* — Unless the decree of a court of competent jurisdiction provides otherwise, the provisions of § 3-412 of this article relating to distributions in dissolution of stock corporations or §§ 3-517 and 3-518 of this article relating to distributions on forfeiture of the charters of stock corporations, as the case may be, apply to the distribution of assets to any member or other person entitled or otherwise designated to receive a distribution in liquidation of a nonstock corporation. For purposes of this section, the term “stockholders” in §§ 3-412, 3-517, and 3-518 of this article includes every person so entitled or designated to receive a distribution in liquidation. (An. Code 1957, art. 23, § 136A; 1975, ch. 311, § 2; 1976, ch. 567, § 2; 1999, ch. 34, § 8.)

Vote required for voluntary dissolution.
— The voluntary dissolution of a Maryland nonstock corporation which has voting members requires approval by the affirmative vote of two thirds of all of the members entitled to vote on the matter. *Carter v. Glen Burnie Volunteer Fire Co.*, 292 Md. 165, 438 A.2d 278 (1981).

Power to dissolve nonstock corporation.
— Trial court erred in dissolving a nonstock

corporation, as a circuit court lacks the inherent equitable power to dissolve a corporation and neither Md. Code Ann., Corp. & Ass'ns § 5-208 nor Md. Code Ann., Corp. & Ass'ns § 5-209 grant a circuit court the power to dissolve a nonstock corporation. *Sydnor v. Hathaway*, 228 Md. App. 691, 142 A.3d 658 (2016).

Quoted in *Pines Point Marina v. Rehak*, 406 Md. 613, 961 A.2d 574 (2008).

Subtitle 7. Miscellaneous.

§ 5-701. Restrictions on property holdings.

Any provision in the charter of a charitable or benevolent Maryland corporation existing on June 1, 1951, whether incorporated under any public general law or special act of the State, purporting to limit or restrict the tenure

or enjoyment of property or income is ineffective to limit or restrict the right of the corporation to hold, enjoy, use, and deal with any property and income in any way. (An. Code 1957, art. 23, § 137; 1975, ch. 311, § 2.)

§ 5-702. Assets subject to charitable or other restrictions.

(a) *Petition to court of equity under § 5-209 of this title.* — A charitable or religious Maryland nonstock corporation may petition a court of equity for a decree under § 5-209 of this title if:

(1) The dissolution of the corporation involves provisions for disposition of assets under § 5-208(b)(2) or (3) of this title; or

(2) A consolidation, merger, or transfer of assets of the corporation under § 5-207 of this title involves similar provisions for the successor corporation.

(b) *Validity of action not affected by lack of court decree.* — The failure to petition a court of equity and obtain a decree does not affect the otherwise valid actions of the corporation in dissolution, consolidation, or merger, or in a transfer of assets. (An. Code 1957, art. 23, § 136B; 1975, ch. 311, § 2; 1997, ch. 31, § 10; 2007, ch. 5, § 7.)

COURTS AND JUDICIAL PROCEEDINGS.

Title 1.

Court Structure and Organization.

Sec.

1-605. Powers and duties of Chief Judge.

Title 2.

Court Personnel.

Subtitle 6. Officers of the District Court.

2-608. Charging documents against law enforcement officers.

Title 3.

Courts of General Jurisdiction — Jurisdiction/Special Causes of Action.

*Subtitle 8. Juvenile Causes — Children in
Need of Assistance.*

3-801. Definitions.

- (a) In general.
- (b) Abuse.
- (c) Adjudicatory hearing.
- (d) Adult.
- (e) Child.
- (f) Child in need of assistance.
- (g) CINA.
- (h) Commit.
- (i) Court.
- (j) Custodian.
- (k) Custody.
- (l) Developmental disability.
- (m) Disposition hearing.
- (n) Guardian.
- (o) Guardianship.
- (p) Local department.
- (q) Mental disorder.
- (r) Mental injury.
- (s) Neglect.
- (t) Parent.
- (u) Party.
- (v) Qualified residential treatment program.
- (w) Reasonable efforts.
- (x) Relative.
- (y) Sex trafficking.
- (z) Sexual abuse.
- (aa) Sexual molestation or exploitation.
- (bb) Shelter care.
- (cc) Shelter care hearing.
- (dd) TPR proceeding.
- (ee) Voluntary placement.
- (ff) Voluntary placement hearing.

3-828. Contributing to acts, omissions, or conditions rendering a child in need of assistance.

*Subtitle 11. Reimbursement for Costs of
Emergency Response, Containment,
Cleanup, and Abatement —
Volunteer Fire Companies,
Rescue Squads,
or Ambulance
Companies.*

Sec.

3-1101. Definitions.

- (a) In general.
- (b) Expense of an emergency response, containment, cleanup, and abatement.
- (c) Fixed facility.
- (d) Hazardous materials.
- (e) Highway.
- (f) Motor carrier.
- (g) Person in control.
- (h) Volunteer fire company.

3-1102. Responsibility of motor carrier.

3-1102.1. Responsibility of person at fault.

3-1103. Negotiations and actions for reimbursement.

3-1104. Purchase of personal protective equipment or chemicals.

3-1105. Liability or immunity of volunteer fire company or rescue squad or personnel.

3-1106. Farm vehicles.

3-1107. Scope of subtitle.

3-1108. Volunteer fire company.

*Subtitle 12. Reimbursement for Costs of
Emergency Response, Containment,
Cleanup, and Abatement — Paid
Fire Companies and
Rescue Squads.*

3-1201. Definitions.

- (a) In general.
- (b) Expense of an emergency response, containment, cleanup, and abatement.
- (c) Fixed facility.
- (d) Hazardous materials.
- (e) Highway.
- (f) Motor carrier.
- (g) Paid fire department.
- (h) Person in control.

3-1202. Responsibility of motor carrier.

3-1202.1. Responsibility of person at fault.

3-1203. Negotiations and actions for reimbursement.

3-1204. Liability or immunity of paid fire company, rescue squad, or personnel.

3-1205. Farm vehicles.

3-1206. Scope of subtitle.

3-1207. Paid fire company.

Title 5.**Limitations, Prohibited Actions, and Immunities.***Subtitle 1. Limitations.*

Sec.

5-110. Actions under Public Information Act.

Subtitle 3. Local Government Tort Claims Act.

5-309, 5-309.1, 5-309.3, 5-310, 5-312 to 5-314, 5-327, 5-330. [Redesignated].

5-357, 5-399.5. [Redesignated].

Subtitle 4. Immunities and Prohibited Actions — Businesses, Associations, and Charities.

5-406. Personal liability — Agents of certain associations or organizations.

5-407. Personal liability — Volunteer of charitable organization.

5-409. Immunity — Disclosure of information concerning fire loss.

Subtitle 5. Immunities and Prohibited Actions — Governmental.

5-524. Immunity — Negligent use of motor vehicle while in government service.

Subtitle 6. Immunities and Prohibited Actions — Health and Public Safety.

5-603. Emergency medical care.

5-604. Fire and rescue companies.

5-605. Law enforcement officer acting outside jurisdiction.

5-606. Physicians and volunteers working at charitable organizations providing health care services.

5-608. Support for emergency medical system.

5-611. Federal law enforcement officer making arrest without warrant.

5-617. Persons assisting in controlling discharge of hazardous substance.

Sec.

5-639. Negligent operation of emergency vehicle.

5-641. Immunity from liability for persons who leave unharmed newborn child with a responsible adult.

Title 6.**Personal Jurisdiction, Venue, Process and Practice.***Subtitle 4. Practice in General.*

6-406. Actions by and against unincorporated associations.

Title 7.**Costs, Fines, and Forfeitures.***Subtitle 3. District Court.*

7-301. Court costs.

7-302. Collection and disposition of costs, fines, penalties, and forfeitures [Amendments subject to abrogation].

Title 10.**Evidence.***Subtitle 4. Wiretapping and Electronic Surveillance.*

10-402. Interception of communications generally; divulging contents of communications; violations of subtitle.

10-406. Attorney General, State Prosecutor or State's Attorney may apply for order authorizing interception.

Title 11.**Judgments.***Subtitle 1. Judgments — Miscellaneous.*

11-105. Judgment against unincorporated association.

TITLE 1.

COURT STRUCTURE AND ORGANIZATION.

§ 1-605. Powers and duties of Chief Judge.

(a) *General.* — The Chief Judge of the District Court is the chief administrative officer of the District Court and responsible for the maintenance, administration, and operation of the court in all its locations throughout the State.

(b) *Administrative regulations.* — The Chief Judge of the District Court may make administrative regulations for the governing of the District Court, subject to and not inconsistent with the rules of the Court of Appeals.

(c) *Assignment of judges.* — The Chief Judge of the District Court may assign a judge of the District Court to sit temporarily in a county other than the judge's county of residence.

(d) *Other powers and duties.* — In addition to the powers and duties granted and imposed in subsections (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the District Court shall:

(1) Appoint a chief clerk of the District Court, a chief administrative clerk for each district, and other personnel of the District Court pursuant to Article IV, § 41F of the Maryland Constitution;

(2) Approve the appointments of commissioners of the District Court pursuant to Article IV, § 41G of the Maryland Constitution;

(3) Establish uniform record-keeping procedures for the District Court;

(4) In conjunction with the Motor Vehicle Administrator, establish uniform procedures for reporting traffic cases in the District Court, including procedures for promptly notifying the Motor Vehicle Administration of each citation within the jurisdiction of the District Court that is issued to a minor licensed in the State charging the minor with a moving violation as defined in § 11-136.1 of the Transportation Article;

(5) In conjunction with the State Comptroller, establish a system for the collection and remittance of costs, fines, penalties, and forfeitures collected by the District Court;

(6) Approve in writing the destruction of pleadings, papers, or files proposed for destruction pursuant to § 2-205 of this article;

(7) On the recommendation of the administrative judge of any district, approve in writing the invalidation and destruction of certain warrants for arrest, if the administrative judge certifies to the Chief Judge that:

(i) Each of the warrants is more than 3 years old;

(ii) The warrant was properly delivered to an authorized law enforcement agency for execution and service, which was not effected;

(iii) Each of the warrants was issued by a judicial officer of the District Court for:

1. The arrest of the defendant in order that the defendant might stand trial on a misdemeanor offense;

2. The failure of the defendant to appear for trial for a misdemeanor offense, as directed by the District Court;

3. The failure of the defendant to make a deferred payment of a fine or costs as ordered by the District Court for a misdemeanor offense; or

4. A violation of a probation order of the District Court entered in a misdemeanor offense; and

(iv) The administrative judge believes that the invalidation and destruction of the arrest warrant is consistent with the ends of justice;

(8) After consultation with police administrators and the Motor Vehicle Administrator, design arrest — citation forms that shall be used by all law enforcement agencies in the State when charging a person with a criminal, civil, or traffic offense, except for:

(i) Violations by juveniles listed in § 3-8A-33(a) of this article;

(ii) Violations of parking ordinances or regulations adopted under Title 26, Subtitle 3 of the Transportation Article; and

- (iii) Other violations as expressly provided by law;
- (9) Authorize the use of a single document for issuance of more than one, separately numbered, citation;
- (10) Specify appropriate means, such as a signature on a citation, electronic signature, or data encoded in a driver's license or identity card issued by the Motor Vehicle Administration, to be used by:
 - (i) The police officer issuing a citation to execute it by certifying under penalties of perjury that the facts stated in the citation are true; and
 - (ii) The person to whom a citation is being issued to acknowledge its receipt;
- (11) Authorize a citation to include a summons to appear; and
- (12) Cause the District Court to print or otherwise make available uniform motor vehicle citation forms and any other uniform statewide citation forms for offenses triable in the District Court.

(e) *Dispensing with acknowledgment of receipt of citation.* — Notwithstanding any provision of the Transportation Article, a police officer may dispense with the acknowledgment of a person receiving a citation that contains a summons as provided in subsection (d)(11) of this section and regulations adopted by the police officer's agency. (An. Code 1957, art. 26, §§ 141, 143, 150, 155; 1973, 1st Sp. Sess., ch. 2, § 1; 1975, ch. 10, § 1; 1983, ch. 494; 1985, ch. 544; 1996, ch. 10, § 1; 1997, ch. 14, § 1; ch. 557; 2003, ch. 13; 2006, ch. 44, § 6; ch. 416; 2007, ch. 605; 2008, chs. 581, 582; 2010, ch. 735.)

Effect of amendments. — Chapter 735, Acts 2010, effective October 1, 2010, rewrote (d)(8).

Editor's note. — Section 3, ch. 416, Acts 2006, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any violation committed before the effective date of this Act [October 1, 2006].”

Section 2, ch. 605, Acts 2007, provides that “this Act has no effect on any citation issued before the effective date of this Act [October 1, 2007].”

Section 2, chs. 581 and 582, Acts 2008, provides that “this Act shall be construed only prospectively and may be applied only to a citation issued to a minor on or after the effective date of this Act [October 1, 2008].”

Section 2, ch. 735, Acts 2010, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any traffic violation committed before the effective date of this Act [October 1, 2010].”

Judge's authority. — The geographic division of the District Court into districts was

solely for purposes of operation and administration and did not limit the exercise of jurisdiction by a District Court Judge to the county or district of residence. *Birchhead v. State*, 317 Md. 691, 566 A.2d 488 (1989).

Fines from prosecution of county ordinances. — Monetary fines resulting from prosecutions for violations of county ordinance inure to the general funds of the State and in no way would have benefited the county. *State v. Ficker*, 266 Md. 500, 295 A.2d 231 (1972).

Provision of security by constables. — Although the Chief Judge of the District Court or an administrative judge, pursuant to their broad administrative authority set forth in this section and § 1-607 of this subtitle could assign security functions to a qualified constable, the provision of security is no longer a constitutional or statutory duty of constables. *Prince George's County v. Aluisi*, 354 Md. 422, 731 A.2d 888 (1999).

Stated in *Bobo v. State*, 346 Md. 706, 697 A.2d 1371 (1997); *Meanor v. State*, 364 Md. 511, 774 A.2d 394 (2001).

TITLE 2.

COURT PERSONNEL.

*Subtitle 6. Officers of the District Court.***§ 2-608. Charging documents against law enforcement officers.**

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Charging document” means a written accusation alleging that a defendant has committed an offense.

(3) “Citation” means a charging document, other than an indictment, an information, or a statement of charges, issued to a defendant by a peace officer or other person authorized by law to do so.

(4) “Educator” means a principal, vice-principal, teacher, or teacher’s aide at a public or private preschool, elementary, or secondary school.

(5) “Emergency services personnel” means:

(i) A career firefighter of a county or municipal corporation;

(ii) An emergency medical services provider as defined in § 13-516 of the Education Article of a county or municipal corporation;

(iii) A rescue squad employee of a county or municipal corporation; and

(iv) A volunteer firefighter, rescue squad member, or advanced life support unit member of a county or municipal corporation.

(6) “Indictment” means a charging document returned by a grand jury and filed in circuit court.

(7) “Information” means a charging document filed in court by a State’s Attorney.

(8) “Offense” means a violation of the criminal laws of the State or any political subdivision of the State.

(9) “Statement of charges” means a charging document, other than a citation, filed in District Court by a peace officer, a District Court Judge, or a District Court Commissioner.

(10) “Law enforcement officer” means:

(i) A law enforcement officer as defined in § 3-101 of the Public Safety Article;

(ii) The Police Commissioner of Baltimore City;

(iii) An individual who serves at the pleasure of the Police Commissioner of Baltimore City;

(iv) The police chief of a county law enforcement agency;

(v) The police chief of a municipal corporation;

(vi) The police chief or superintendent of a State law enforcement agency;

(vii) The sheriff of a county;

(viii) An officer who is on probationary status on initial entry into a law enforcement agency;

(ix) A correctional officer as defined in § 8-201 of the Correctional Services Article; or

(x) Any federal law enforcement officer who exercises the powers set forth in § 2-104 of the Criminal Procedure Article.

(b) *Application for statement of charges — Forward to State’s Attorney.* — An application filed in the District Court that requests that a statement of charges be filed against a law enforcement officer, emergency services personnel, or an educator for an offense allegedly committed in the course of executing the duties of the law enforcement officer, emergency services personnel, or educator shall immediately be forwarded to the State’s Attorney.

(c) *Application for statement of charges — Duties of State’s Attorney.* — (1) Upon receiving an application filed in District Court requesting that a statement of charges be filed against a law enforcement officer, emergency services personnel, or an educator, the State’s Attorney shall:

(i) Investigate the circumstances of the matter; and

(ii) Make a recommendation to the District Court Commissioner as to whether a statement of charges should be filed against the law enforcement officer, emergency services personnel, or the educator.

(2) If the State’s Attorney recommends to a District Court Commissioner that a statement of charges be filed against a law enforcement officer, emergency services personnel, or an educator, the State’s Attorney shall also make a recommendation as to whether a summons or warrant should issue.

(d) *Prerequisites to filing.* — Notwithstanding any other provision of the Code or the Maryland Rules, a statement of charges for an offense allegedly committed in the course of executing the duties of the law enforcement officer, emergency services personnel, or the educator may not be filed against a law enforcement officer, emergency services personnel, or educator until the State’s Attorney has investigated the circumstances of the matter and made recommendations to the District Court Commissioner in accordance with subsection (c) of this section.

(e) *Effect of section.* — This section may not be construed to preclude the State’s Attorney from making a determination that an information should be filed against a law enforcement officer, emergency services personnel, or an educator or that a grand jury should be convened to determine whether an indictment should be filed. (1992, ch. 333; 1993, ch. 70; 1995, ch. 351; 1999, ch. 429; 2001, ch. 35; 2003, ch. 17; 2017, chs. 169, 170.)

Effect of amendments. — Chapters 169 and 170, Acts 2017, effective October 1, 2017, made identical changes. Each added the (a)(10)(i) and (a)(10)(x) designations, (a)(10)(ii) through (a)(10)(ix), and redesignated accordingly; and made minor, related changes.

Double jeopardy inapplicable. — When a district court dismissed assault charges against defendants, who were police officers, based on the State’s failure to comply with the procedure in this section for charging law enforcement officers, and the State filed new charges in the circuit court based on the same incident, defen-

dants were not entitled to have those charges dismissed for a violation of double jeopardy because jeopardy did not attach in the district court as that court only addressed whether this section was complied with, and none of the testimony received on that issue established or was intended to establish either directly or circumstantially the guilt of defendants, as the testimony was confined to whether defendants’ conduct during the incident in question came within the ambit of this section, and, in ruling on defendants’ motion, the district court did not undertake to pronounce defendants’ innocence,

so defendants were never placed at risk of conviction. *Odem v. State*, 175 Md. App. 684, 931 A.2d 1135 (2007).

Failure to comply. — When a district court dismissed assault charges against defendants, who were police officers, based on the State's failure to comply with the procedure in this section for charging law enforcement officers, and the State filed new charges in the circuit

court based on the same incident, defendants were not entitled to have those charges dismissed because the State had the option, in the circuit court, of either appealing the district court's decision for a trial *de novo*, under § 12-401(f) of this article, or filing new charges in the circuit court. *Odem v. State*, 175 Md. App. 684, 931 A.2d 1135 (2007).

TITLE 3.

COURTS OF GENERAL JURISDICTION — JURISDICTION/SPECIAL CAUSES OF ACTION.

Subtitle 8. Juvenile Causes — Children in Need of Assistance.

§ 3-801. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Abuse.* — “Abuse” means:

(1) Sexual abuse of a child, whether a physical injury is sustained or not; or

(2) Physical or mental injury of a child under circumstances that indicate that the child's health or welfare is harmed or is at substantial risk of being harmed by:

(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or

(ii) A household or family member.

(c) *Adjudicatory hearing.* — “Adjudicatory hearing” means a hearing under this subtitle to determine whether the allegations in the petition, other than the allegation that the child requires the court's intervention, are true.

(d) *Adult.* — “Adult” means an individual who is at least 18 years old.

(e) *Child.* — “Child” means an individual under the age of 18 years.

(f) *Child in need of assistance.* — “Child in need of assistance” means a child who requires court intervention because:

(1) The child has been abused, has been neglected, has a developmental disability, or has a mental disorder; and

(2) The child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs.

(g) *CINA.* — “CINA” means a child in need of assistance.

(h) *Commit.* — “Commit” means to transfer custody.

(i) *Court.* — “Court” means the circuit court for a county sitting as the juvenile court.

(j) *Custodian.* — “Custodian” means a person or governmental agency to whom custody of a child has been given by order of court, including a court other than the juvenile court.

(k) *Custody.* — “Custody” means the right and obligation, unless otherwise determined by the court, to provide ordinary care for a child and determine placement.

(l) *Developmental disability*. — “Developmental disability” means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is likely to continue indefinitely;

(3) Results in an inability to live independently without external support or continuing and regular assistance; and

(4) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

(m) *Disposition hearing*. — “Disposition hearing” means a hearing under this subtitle to determine:

(1) Whether a child is in need of assistance; and

(2) If so, the nature of the court’s intervention to protect the child’s health, safety, and well-being.

(n) *Guardian*. — “Guardian” means a person to whom guardianship of a child has been given by order of court, including a court other than the juvenile court.

(o) *Guardianship*. — “Guardianship” means an award by a court, including a court other than the juvenile court, of the authority to make ordinary and emergency decisions as to the child’s care, welfare, education, physical and mental health, and the right to pursue support.

(p) *Local department*. — “Local department” means:

(1) The local department of social services for the county in which the court is located; or

(2) In Montgomery County, the county department of health and human services.

(q) *Mental disorder*. — (1) “Mental disorder” means a behavioral or emotional illness that results from a psychiatric or neurological disorder.

(2) “Mental disorder” includes a mental illness that so substantially impairs the mental or emotional functioning of an individual as to make care or treatment necessary or advisable for the welfare of the individual or for the safety of the person or property of another.

(3) “Mental disorder” does not include mental retardation.

(r) *Mental injury*. — “Mental injury” means the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function.

(s) *Neglect*. — “Neglect” means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or individual who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

(1) That the child’s health or welfare is harmed or placed at substantial risk of harm; or

(2) That the child has suffered mental injury or been placed at substantial risk of mental injury.

(t) *Parent*. — “Parent” means a natural or adoptive parent whose parental rights have not been terminated.

(u) *Party*. — (1) “Party” means:

- (i) A child who is the subject of a petition;
- (ii) The child’s parent, guardian, or custodian;
- (iii) The petitioner; or
- (iv) An adult who is charged under § 3-828 of this subtitle.

(2) “Party” does not include a foster parent.

(v) *Qualified residential treatment program*. — “Qualified residential treatment program” means a program within a licensed child care institution that provides continuous, 24-hour care and supportive services to children in a residential, nonfamily home setting that:

(1) Has a trauma-informed treatment model that is designed to address the clinical and other needs of children with serious emotional or behavioral disorders or disturbances;

(2) Is able to implement the specific treatment recommended in an assessment completed by a qualified individual;

(3) Has registered or licensed nursing staff and other licensed clinical staff who are:

(i) On site according to the treatment model and during business hours; and

(ii) Available 24 hours a day, 7 days a week;

(4) Appropriately facilitates outreach to family members and integrates the family members into the treatment of the children; and

(5) Is able to provide discharge planning that:

(i) Provides family-based aftercare support for at least 6 months following discharge;

(ii) Is licensed in accordance with § 471(a)(10) of the Social Security Act; and

(iii) Is accredited by an approved independent nonprofit organization.

(w) *Reasonable efforts*. — “Reasonable efforts” means efforts that are reasonably likely to achieve the objectives set forth in § 3-816.1(b)(1) and (2) of this subtitle.

(x) *Relative*. — “Relative” means an individual who is:

(1) Related to the child by blood or marriage within five degrees of consanguinity or affinity under the civil law; and

(2) (i) At least 21 years old; or

(ii) 1. At least 18 years old; and

2. Lives with a spouse who is at least 21 years old.

(y) *Sex trafficking*. — “Sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a child for the purpose of a commercial sex act.

(z) *Sexual abuse*. — “Sexual abuse” means an act that involves:

(1) Sexual molestation or exploitation of a child by:

(i) A parent or other individual who has permanent or temporary care or custody or responsibility for supervision of the child; or

(ii) A household or family member; or

(2) Sex trafficking of a child by any individual.

(aa) *Sexual molestation or exploitation*. — “Sexual molestation or exploitation” includes:

- (1) Allowing or encouraging a child to engage in:
 - (i) Obscene photography, films, poses, or similar activity;
 - (ii) Pornographic photography, films, poses, or similar activity; or
 - (iii) Prostitution;
- (2) Incest;
- (3) Rape;
- (4) Sexual offense in any degree;
- (5) Sodomy; and
- (6) Unnatural or perverted sexual practices.

(bb) *Shelter care*. — “Shelter care” means a temporary placement of a child outside of the home at any time before disposition.

(cc) *Shelter care hearing*. — “Shelter care hearing” means a hearing held before disposition to determine whether the temporary placement of the child outside of the home is warranted.

(dd) *TPR proceeding*. — “TPR proceeding” means a proceeding to terminate parental rights.

(ee) *Voluntary placement*. — “Voluntary placement” means a placement in accordance with § 5-525(b)(1)(i) or (iii) or (3) of the Family Law Article.

(ff) *Voluntary placement hearing*. — “Voluntary placement hearing” means a hearing to obtain a judicial determination as to whether continuing a voluntary placement is in the best interests of the child. (2001, ch. 29; ch. 415, § 3; 2002, ch. 19, § 1; ch. 151, § 2; 2003, ch. 250; 2005, ch. 404; ch. 464, § 3; ch. 504, §§ 1, 2; 2009, ch. 60, § 5; chs. 567, 568; 2012, chs. 342, 343; 2013, ch. 22, § 2; 2017, chs. 156, 157, 655; 2019, chs. 304, 497.)

Effect of amendments. — Chapters 342 and 343, Acts 2012, effective October 1, 2012, made identical changes. Each reenacted (a) without change; and added (x)(2)(i) and (x)(2)(ii) and redesignated accordingly.

Section 2, ch. 22, Acts 2013, effective October 1, 2013, substituted “§ 5-525(b)(1)(i) or (iii) or (3)” for “§ 5-525(b)(1)(i) or (iii)” in (bb).

Chapters 156 and 156, Acts 2017, effective June 1, 2017, reenacted (a) and (f) without change; added (x) and redesignated the remaining subsections accordingly.

Chapter 655, Acts 2017, effective October 1, 2017, reenacted (a) and (l) without change.

Chapter 304, Acts 2019, effective October 1, 2019, reenacted (f), (g), and (p) without change.

Chapter 497, Acts 2019, effective October 1, 2019, added (v) and redesignated accordingly.

Revision of subtitle. — Section 1, ch. 415, Acts 2001, redesignated former §§ 3-816, 3-822, 3-824, 3-829, 3-832 and 3-836 to be present §§ 3-8A-16, 3-8A-21, 3-8A-23, 3-8A-28, 3-8A-31 and 3-8A-34 of this article, respectively.

Section 2, ch. 415, Acts 2001, repealed former §§ 3-801.1, 3-803, 3-812.1, 3-813, 3-826.1, 3-833, 3-834.1, 3-837 and 3-837.1.

Section 3, ch. 415, Acts 2001, enacted present §§ 3-801 through 3-830 to be under amended subtitle “Subtitle 8. Juvenile Causes — Children in Need of Assistance.”

Section 6, ch. 415, Acts 2001, redesignated former §§ 3-801, 3-802, 3-805 through 3-810.1, 3-811, 3-812, 3-814, 3-815, 3-817 through 3-820.5, 3-821, 3-823, 3-825 through 3-828, 3-830, 3-831, 3-834 and 3-835 to be present §§ 3-8A-01 through 3-8A-03, 3-8A-05 through 3-8A-15, 3-8A-17 through 3-8A-19.5, 3-8A-20, 3-8A-22, 3-8A-24 through 3-8A-27, 3-8A-29, 3-8A-30, 3-8A-32 and 3-8A-33 of this article, respectively, to be under new subtitle “Subtitle 8A. Juvenile Causes — Children Other Than CINAs and Adults.”

Editor’s note — Section 7, ch. 415, Acts 2001, provides that “this Act does not affect the validity of any proceeding pending on October 1, 2001, and does not affect the release, extinguishment, or alteration, wholly or partly, of any penalty, forfeiture, or liability, whether civil or criminal, which shall have occurred under any statute amended or repealed by this Act and such statute shall be treated as still remaining in force for the purpose of sustaining any and all proper actions for the enforcement of such penalty, forfeiture, or liability and any judgment, decree, or order that can be rendered in such action.”

Maryland Law Review. — For a 2005-2006 survey, recent decision: “The Court of Appeals of Maryland: *In re Blessen H.*: Lower Waiver Standard in CINA Proceedings Satisfies Due

Process and Leaves Policy Issue to Legislature,” see 66 Md. L. Rev. 1186 (2007).

For a comment, “When the Child’s Best Interest Calls for It: Post-Adoption Contact by Court Order in Maryland,” see 71 U. Md. L. Rev. 490 (2012).

University of Baltimore Law Forum. — For note on 2006 development, “*In re Maria P.*: A Parent’s Due Process Rights Are Violated When Excluded from a Child in Need of Assistance Adjudicatory Hearing Without the Benefit of a Factual Determination that Such Exclusion Is Warranted and in the Best Interest of the Child,” see 37 U. Balt. L.F. 60 (2006).

For note on 2011 development, “*In Re Adoption/Guardianship of Cross H.*: No Bar Against the Initiation of a Termination of Parental Rights Proceeding During the Pendency of a Child in Need of Assistance Appeal; Court Did Not Err in Denying Placement of the Child with Grandmother; Termination of Parental Rights Was in the Best Interest of the Child,” see 42 U. Balt. L. F. 112 (2011).

Construction with other law. — Because a placement with a natural parent is neither a placement in foster care nor preliminary to a possible adoption, the Interstate Compact on the Placement of Children (ICPC) does not apply to a child’s out-of-state placement with a biological parent. Regarding a father who had not been found unwilling, unable, or unfit to care for the child, an argument for applying the ICPC based on lack of relationship with the child was meritless. In re R.S., — Md. App. —, — A.3d —, 2019 Md. App. LEXIS 729 (Aug. 28, 2019).

University of Baltimore Law Forum. — For note on 2014 development, “*In Re Ryan W.*: State Courts Lack Subject Matter Jurisdiction Over Matters Concerning a Representative Payee’s Allocation of OASDI Benefits For a Child in Need of Assistance; Representative Payees Must Provide Notice to the Child’s Legal Representative When an Institution Intends to Retain the Child’s Benefits,” see 44 U. Balt. L. F. 216 (2014).

Preemption of truancy laws by State. — A local law attempting to regulate truancy by providing for the arrest or detention of a student on the basis of truancy alone would be preempted by State law. 95 Op. Atty. Gen. 191 (Oct. 13, 2010).

Relationship with termination of parental rights cases. — Trial court did not err in ruling on the department of social service’s termination of parental rights (TPR) petition while the mother’s appeal of a child in need of assistance (CINA) case was still pending, since the TPR and CINA cases were separate legal proceedings governed by separate statutes — § 5-313 et seq. of the Family Law Article and this subtitle, respectively. In re Cross H., 200 Md. App. 142, 24 A.3d 747 (2011).

Neglect. — Subsection (s) of this section did not create exclusion of evidence of neglect because the child directly affected by neglect was not the subject of the child in need of assistance (CINA) case; if only one child was harmed, there nevertheless may have been neglect of a second child if the act or omission created a substantial risk of harm to the second child, and thus evidence of neglect of the mother’s other children was proper in a CINA proceeding. In re Andrew A., 149 Md. App. 412, 815 A.2d 931 (2003), cert. denied, 374 Md. 583, 824 A.2d 59 (2003).

Juvenile court did not err finding a father’s daughter to be a child in need of assistance (CINA), because in addition to the parents’ history with the department of social services, the court identified present circumstances, including the parent’s dirty home and their neglect of the child’s medical and educational needs, that supported the master’s decision to find the child to be a CINA yet again. In re Priscilla B., 214 Md. App. 600, 78 A.3d 500 (2013).

Master and juvenile court did not err finding a father’s daughter to be a child in need of assistance, as they did not base their decision on hearsay evidence regarding the parent’s criminal records, but properly considered the parent’s long history with the department of social services in assessing allegations of domestic violence, substance and alcohol abuse, and the father’s credibility in denying them. In re Priscilla B., 214 Md. App. 600, 78 A.3d 500 (2013).

Where the juvenile court found a child to be a child in need of assistance due to neglect, it did not err in placing her in the shared custody of her grandmother and caregivers, because by the time of the hearing the parents had not remedied the problems identified by the master sufficiently to permit the child to return to their custody. In re Priscilla B., 214 Md. App. 600, 78 A.3d 500 (2013).

Court did not err in finding a child to be a child in need of assistance under (f) due to neglect because evidence was adduced that the mother had failed to give proper care and attention to the child under circumstances that indicated that the child’s health or welfare was placed at substantial risk of harm; that there might have been some indication that the child suffered from a mental disorder or developmental disability was irrelevant. In re D.E., — Md. App. —, — A.3d —, 2017 Md. App. LEXIS 764 (July 28, 2017).

Child support obligation of parent with child in custody of governmental agency. — Juvenile court exercising jurisdiction in a Child in Need of Assistance case may use the Child Support Guidelines to calculate the child support amount a parent is obligated to pay where the child at issue is in the custody of a

government agency but, in such a circumstance, the actual total support awarded may not exceed the actual costs expended by the governmental agency. In such a case, the parents are required to receive notice of the proceedings if the issue of child support will be addressed. In re Katherine C., 390 Md. 554, 890 A.2d 295 (2006).

Special immigrant juvenile. — In making Special Immigrant Juvenile status predicate findings, trial judges are to determine whether the child would be considered abused, neglected, or abandoned under Maryland law without regard to where the child lived at the time the events occurred. In re Dany G., 223 Md. App. 707, 117 A.3d 650 (2015).

Order of a trial court finding that a child was not neglected and protected as a Special Immigrant Juvenile and should be returned to Guatemala was reversed because it applied the wrong legal standard as it determined that the child was not left to fend for himself, applied only half of the standard for neglect, and the trial court was required to inquire and analyze whether the parents had failed to give proper care and attention while in Guatemala. In re Dany G., 223 Md. App. 707, 117 A.3d 650 (2015).

Exclusion of mother at hearing. — Trial court erred in excluding the mother from child in need of assistance proceedings without making any specific factual findings as to the propriety of the exclusion; the mother's procedural due process rights under U.S. Const. amend. XIV, and Articles 19 and 24 of the Maryland Declaration of Rights were violated because the trial court assumed that the mother's presence would influence the child's testimony without determining that there existed a factual basis for that conclusion. In re Maria P., 393 Md. 661, 904 A.2d 432 (2006).

Child in need of assistance petition. — This subtitle (the CINA Subtitle) places on local departments of social services the initial responsibility of deciding whether to file a child in need of assistance (CINA) petition upon receipt of a complaint, but this responsibility does not carry with it a concomitant absolute right to withdraw the petition prior to an adjudicatory hearing when the child, through counsel, objects to its dismissal because ultimately, it is the juvenile court's duty when a petition has been filed to determine the truth of abuse or neglect allegations and whether the child's parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and the child's needs; the CINA Subtitle provides a child with party status and a right to the assistance of counsel at every stage of any proceeding, § 3-813 of this subtitle and (u) of this section, and these provisions manifest recognition by the Legislature that a child clearly has a stake in the outcome of a case in which

abuse or neglect has been alleged and has interests that may be distinct from those advanced by other parties, such as a local department or the child's parents. In re Najasha B., 409 Md. 20, 972 A.2d 845 (2009).

Where a mother had custody of four children fathered by two men, the juvenile court did not err in accepting the department of social services' bare bones child-in-need-of-assistance (CINA) petitions alleging the parents were unable to care for their children, even though it had factual support only for allegations against the mother, because a juvenile court was not required to dismiss a defective or incomplete CINA petition. In re E.R., 239 Md. App. 334, 196 A.3d 541 (2018).

Where a mother had custody of four children fathered by two men, the juvenile court did not err in granting the fathers custody despite the "bare bones" allegations of the child-in-need-of-assistance petition because the legislature envisioned a change in custody where the allegations were sustained against only one parent and another willing and able parent existed to provide proper care for the children. In re E.R., 239 Md. App. 334, 196 A.3d 541 (2018).

Department of social services does not have unilateral right to withdraw CINA petition. — Juvenile court erred in dismissing a child in need of assistance (CINA) petition based on its view that the local department of social services (DSS) had a unilateral right to withdraw its petition over a child's objection because the juvenile court should have declined DSS's dismissal request and conducted an adjudicatory hearing on the merits of the petition when DSS did not have a unilateral right to withdraw a petition prior to an adjudication when the child objected, and the child was entitled to an adjudication to ensure that she was receiving proper care and attention; in a case in which the child timely requests a hearing on the merits of the petition, the purpose of this section is not served by a pre-hearing dismissal, even though DSS indicates that the allegations in a petition have been resolved, and it is incumbent upon the juvenile court to hear and consider the reasons why the child objects to the dismissal. In re Najasha B., 409 Md. 20, 972 A.2d 845 (2009).

Applicability of collateral estoppel. — When a mother appealed a determination by a department of social services that the mother was responsible for "indicated child neglect," amendments to § 5-706.1 of the Family Law Article did not bar application of the doctrine of collateral estoppel to require dismissal of the appeal, upon the mother's child being found to be a child in need of assistance (CINA), because the amendments' purpose was to correct an inequity in the prior statute barring an alleged maltreater from appealing a finding of indicated abuse or neglect, when a CINA petition

based on the same facts was filed, unless the CINA petition was dismissed, even if he or she were not a party to the CINA proceedings, such that the prior statute exceeded the bounds of collateral estoppel, so the amendments sought to comport with, rather than bar, the doctrine's application in a proper case. *Cosby v. Dep't of Human Res.*, 425 Md. 629, 42 A.3d 596 (2012).

Judicial notice. — Trial court is permitted to take judicial notice of all previous proceedings and is likewise permitted to consider the prior matters in deciding a case involving the adjudication of children in need of assistance. In re Nathaniel A., 160 Md. App. 581, 864 A.2d 1066 (2005), cert. denied, 386 Md. 181, 872 A.2d 47 (2005).

Denial of petition for continued shelter care appealable. — Denial of a petition for continued shelter care is appealable under the collateral order doctrine because the order conclusively resolves the issue as it returns the child home for the duration of the child in need of assistance proceedings, the only period of time at issue; the issue resolved is important, and denying continued shelter care returns the child to the very situation the department contends presents an imminent risk to the child's health and safety. In re O.P., 240 Md. App. 518, 205 A.3d 129 (2019).

Denial of a petition for continued shelter care is appealable under the collateral order doctrine because a decision to deny continued shelter care is effectively unreviewable on appeal from a final judgment; the protection of children from imminent risks to their health and safety is a substantial public interest in general and is particularly so in light of the *parens patriae* responsibility of the courts in furthering that interest. In re O.P., 240 Md. App. 518, 205 A.3d 129 (2019).

Order denying continued shelter care is completely separate from the merits of a child in need of assistance (CINA) proceeding for purposes of the collateral order doctrine; the purpose of a shelter care hearing is not to gather evidence for either side to prove its ultimate case, nor is such a hearing a necessary step on the path to an adjudicatory hearing or disposition, but instead, it is parallel to and separate from the proceedings that ultimately lead to the CINA decision. In re O.P., 240 Md. App. 518, 205 A.3d 129 (2019).

Shelter care determination is not a "step toward the final disposition" of a child in need of assistance (CINA) proceeding, and shelter care runs its course not in the path of the CINA adjudication, but collaterally, in its own lane, without advancing or hindering the final CINA decision; that, combined with its conclusive resolution of an important issue that is effectively unreviewable on direct appeal, renders it among the narrow class of orders reviewable

under the collateral order doctrine. In re O.P., 240 Md. App. 518, 205 A.3d 129 (2019).

Standard of review. — Trial court's decision that a child in need of assistance will not be set aside unless clearly erroneous. In re Nathaniel A., 160 Md. App. 581, 864 A.2d 1066 (2005), cert. denied, 386 Md. 181, 872 A.2d 47 (2005).

Burden of proof. — Allegation that children are children in need of assistance must be proven by a preponderance of the evidence. In re Nathaniel A., 160 Md. App. 581, 864 A.2d 1066 (2005), cert. denied, 386 Md. 181, 872 A.2d 47 (2005).

For a juvenile court to authorize the continuation of shelter care, the court must find by a preponderance of the evidence that (1) returning the child home is contrary to the child's safety and welfare, and (2)(a) removal is necessary due to an alleged emergency and to provide for the child's safety, or (b) reasonable efforts were made but were unsuccessful in preventing or eliminating the need for removal. In re O.P., 240 Md. App. 518, 205 A.3d 129 (2019).

Determination upheld, even in advance of harm. — Trial court's decision that both of a mother's children were in need of assistance was upheld on appeal where the evidence showed that the mother had broken her son's arm out of frustration and anger and the mother suffered overall from frustration, anger, and depression. The determination with regard to the mother's newborn was also upheld, because the newborn was at a substantial risk of harm as the trial court did not have to wait for harm to occur before taking action. In re Nathaniel A., 160 Md. App. 581, 864 A.2d 1066 (2005), cert. denied, 386 Md. 181, 872 A.2d 47 (2005).

Reasonable efforts toward reunification not made. — Juvenile court abused its discretion in changing a child's permanency plan from reunification with his father to placement with a cousin by finding, pursuant to § 3-816.1 of this subtitle, that the department of social services (DSS), made reasonable efforts, as defined in (v) toward reunification; the only impediments to the father regaining custody of the child were his lack of stable employment and lack of housing. DSS claimed it could not provide housing assistance until the father was employed, and yet, the only effort DSS made to address the father's unemployment was a single referral to an organization that was unable address his employment needs; these services were insufficient to meet the requirement embodied in § 5-525(d)(1) of the Family Law Article, which required reasonable efforts to be made to reunite families. In re James G., 178 Md. App. 543, 943 A.2d 53 (2008).

Judicial notice. — Trial court is permitted to take judicial notice of all previous proceed-

ings and is likewise permitted to consider the prior matters in deciding a case involving the adjudication of children in need of assistance. In re Nathaniel A., 160 Md. App. 581, 864 A.2d 1066 (2005), cert. denied, 386 Md. 181, 872 A.2d 47 (2005).

Standard of review. — Trial court's decision that a child in need of assistance will not be set aside unless clearly erroneous. In re Nathaniel A., 160 Md. App. 581, 864 A.2d 1066 (2005), cert. denied, 386 Md. 181, 872 A.2d 47 (2005).

Burden of proof. — Allegation that children are children in need of assistance must be proven by a preponderance of the evidence. In re Nathaniel A., 160 Md. App. 581, 864 A.2d 1066 (2005), cert. denied, 386 Md. 181, 872 A.2d 47 (2005).

Applied in In re Ashley E., 158 Md. App. 144, 854 A.2d 893 (2004), aff'd, 387 Md. 260, 874 A.2d 998 (2005); In re Karl H., 394 Md. 402, 906 A.2d 898 (2006); In re Kaela C., 394 Md. 432, 906 A.2d 915 (2006); In re Joseph N., 407 Md. 278, 965 A.2d 59 (2009); BJ's Wholesale Club, Inc. v. Rosen, 435 Md. 714, 80 A.3d 345 (2013).

Quoted in In re Adoption/Guardianship No. T00032005, 141 Md. App. 570, 786 A.2d 64 (2001); In re Mark M., 365 Md. 687, 782 A.2d 332 (2001); In re Yve S., 373 Md. 551, 819 A.2d 1030 (2003); Martin v. St. Mary's Dep't of Soc. Servs., 346 F.3d 502 (4th Cir. 2003); In re Adoption of Victor A., 386 Md. 288, 872 A.2d 662 (2005); In re Billy W., 386 Md. 675, 874 A.2d 423 (2005); In re Blessen H., 163 Md. App. 1, 877 A.2d 161 (2005), aff'd, 898 A.2d 980, 2006 Md. LEXIS 257 (2006); In re Blessen H., 392 Md. 684, 898 A.2d 980 (2006); Longshore v. State, 399 Md. 486, 924 A.2d 1129 (2007); Taylor v. Mandel, 402 Md. 109, 935 A.2d 671 (2007); In re Adoption/Guardianship of Alonza D., 412 Md. 442, 987 A.2d 536 (2010); In re Shirley B., 191 Md. App. 678, 993 A.2d 675 (2010), aff'd, 419 Md. 1, 18 A.3d 40 (2011); In re Adoption/Guardianship of Cadence B., 417 Md. 146, 9 A.3d 14 (2010); In re Adoption/Guardian-

ship of Amber R., 417 Md. 701, 12 A.3d 130 (2011); In re Shirley B., 419 Md. 1, 18 A.3d 40 (2011); Doe v. Allegany County Dep't of Soc. Servs., 205 Md. App. 47, 43 A.3d 1071 (2012); In re Malichi W., 209 Md. App. 84, 57 A.3d 1077 (2012); In re Joy D., 216 Md. App. 58, 84 A.3d 223 (2014); In re Victoria C., 437 Md. 567, 88 A.3d 749 (2014).

Stated in Frase v. Barnhart, 379 Md. 100, 840 A.2d 114 (2003); In re Cross H., 200 Md. App. 142, 24 A.3d 747 (2011); In re Adriana T., 208 Md. App. 545, 56 A.3d 814 (2012); In re Adoption/Guardianship of Quintline B., 219 Md. App. 187, 100 A.3d 1145 (2014); In re J.J., 231 Md. App. 304, 150 A.3d 898 (2016); In re H.W., 234 Md. App. 237, 170 A.3d 882 (2017).

Cited in In re Thomas J., 372 Md. 50, 811 A.2d 310 (2002); In re Delric H., 150 Md. App. 234, 819 A.2d 1117 (2003); In re Ariel G., 153 Md. App. 698, 837 A.2d 1044 (2003), aff'd, 383 Md. 240, 858 A.2d 1007 (2004); In re Samone H., 385 Md. 282, 869 A.2d 370 (2005); In re Sophie S., 167 Md. App. 91, 891 A.2d 1125 (2006); Rivera v. State, 180 Md. App. 693, 952 A.2d 396 (2008), aff'd, 973 A.2d 218, 2009 Md. LEXIS 195 (Md. 2009); Tamara A. v. Montgomery County Dep't of HHS, 407 Md. 180, 963 A.2d 773 (2009); In re Faith H., 409 Md. 625, 976 A.2d 336 (2009); In re Nicole B., 410 Md. 33, 976 A.2d 1039 (2009); In re Adoption/Guardianship of Ta'Niya C., 417 Md. 90, 8 A.3d 745 (2010); Dep't of Human Res. v. Cosby, 200 Md. App. 54, 24 A.3d 199 (2011); In re Adoption/Guardianship of Chaden M., 422 Md. 498, 30 A.3d 935 (2011); Sumpter v. Sumpter, 427 Md. 668, 50 A.3d 1098 (2012); In re Ashley S., 431 Md. 678, 66 A.3d 1022 (2013); In re Adoption/Guardianship of K'Amora K., 218 Md. App. 287, 97 A.3d 169 (2014); In re Andre J., 223 Md. App. 305, 115 A.3d 771 (2015); In re A.N., 226 Md. App. 283, 127 A.3d 644 (2015); In re C.E., 456 Md. 209, 172 A.3d 476 (2017); In re J.J., 456 Md. 428, 174 A.3d 372 (2017); In re Adoption/Guardianship of H.W., 460 Md. 201, 189 A.3d 284 (2018); In re Adoption/Guardianship of C.E., 464 Md. 26, 210 A.3d 850 (2019).

§ 3-828. Contributing to acts, omissions, or conditions rendering a child in need of assistance.

(a) *Prohibition.* — An adult may not willfully contribute to, encourage, cause or tend to cause any act, omission, or condition that renders a child in need of assistance.

(b) *Child need not be adjudicated a CINA.* — A person may be convicted under this section even if the child is not adjudicated a CINA.

(c) *Penalty.* — An adult who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500 or imprisonment not exceeding 3 years or both.

(d) *Petition alleging violation.* — A petition alleging a violation of this section shall be prepared and filed by the State's Attorney.

(e) *Standard of proof.* — If an adult is charged under this section, the allegations shall be proved beyond a reasonable doubt. (2001, ch. 415, § 3; 2006, ch. 44, § 6.)

Editor's note. — See Revision of subtitle note under § 3-801 of this article.

Guilty plea was knowing and voluntary. — Inmate's guilty plea was knowing and voluntary under Rule 4-242(e) as: (1) an inmate had to have appreciated that defense counsel, the prosecutor, and the plea court could not control the decisions by the federal immigration agency, (2) immigration counsel consulted by defense counsel was unable categorically to state whether the agency would look behind the charge under this section, and (3) all relevant factors were before the inmate when the inmate made the inmate's plea decision. *Rivera v. State*, 180 Md. App. 693, 952 A.2d 396 (2008), aff'd, 973 A.2d 218, 2009 Md. LEXIS 195 (Md. 2009).

Factual basis of plea. — Inmate's guilty plea was proper under Rule 4-242(c), even though the State's proffer of proof against the inmate did not mesh completely with the

charge of violating this section to which the inmate pleaded, as the record established that the inmate pled knowingly and voluntarily and that there existed a factual basis for the original child sexual abuse charge, which established a factual basis for the plea as a whole. *Rivera v. State*, 180 Md. App. 693, 952 A.2d 396 (2008), aff'd, 973 A.2d 218, 2009 Md. LEXIS 195 (Md. 2009).

Where the State presented facts that indicated that petitioner engaged in anal intercourse with defendant's daughter and "ended up on top" of defendant's daughter while rubbing the daughter's back, the facts proffered provided a sufficient factual basis to support the conclusion that defendant violated this section. *Rivera v. State*, 409 Md. 176, 973 A.2d 218 (2009).

Quoted in *In re Blessen H.*, 392 Md. 684, 898 A.2d 980 (2006).

*Subtitle 11. Reimbursement for Costs of Emergency Response,
Containment, Cleanup, and Abatement — Volunteer
Fire Companies, Rescue Squads, or
Ambulance Companies.*

§ 3-1101. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Expense of an emergency response, containment, cleanup, and abatement.* — (1) "Expense of an emergency response, containment, cleanup, and abatement" means the reasonable costs associated with the repair or replacement of personal protective equipment:

(i) Owned by:

1. A volunteer fire company; or

2. An authorized volunteer individual who participates in an emergency response, containment, cleanup, and abatement by a volunteer fire company; and

(ii) Damaged through proper use during an emergency response, containment, cleanup, and abatement of a release of hazardous materials resulting from a traffic accident involving a motor vehicle operated by a motor carrier that is transporting hazardous materials or from a release or threatened release of hazardous materials at a fixed facility.

(2) "Expense of an emergency response, containment, cleanup, and abatement" includes the costs of replacing the chemicals that are used or damaged during an emergency response, containment, cleanup, and abatement.

(c) *Fixed facility*. — (1) “Fixed facility” means any installation, structure, or premises, above ground or underground, in which hazardous materials are stored with a capacity to store more than 1,000 pounds of hazardous materials.

(2) “Fixed facility” does not include a farm or any building or structure associated with a farm.

(d) *Hazardous materials*. — (1) “Hazardous materials” means a substance or material in a quantity or form that the United States Secretary of Transportation designates may pose an unreasonable risk to health and safety of individuals or to property when transported in commerce.

(2) “Hazardous materials” includes any grouping or classification of materials, that the United States Secretary of Transportation designates as a hazardous material, including:

- (i) Explosives;
- (ii) Radioactive materials;
- (iii) Etiologic agents;
- (iv) Flammable liquids or solids;
- (v) Combustible liquids or solids;
- (vi) Poisons;
- (vii) Oxidizing or corrosive materials; and
- (viii) Compressed gases.

(e) *Highway*. — “Highway” has the same meaning as provided in § 11-127 of the Transportation Article.

(f) *Motor carrier*. — “Motor carrier” means a common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier by motor vehicle that carries a hazardous material in commerce.

(g) *Person in control*. — “Person in control”, with respect to a release or threatened release of hazardous materials at a fixed facility, means:

(1) The owner of the hazardous materials; and

(2) The owner or operator of the fixed facility involved in the release or threatened release of hazardous materials at the time of or immediately before the release or threatened release.

(h) *Volunteer fire company*. — “Volunteer fire company” includes a volunteer fire company, a volunteer hazardous material response team, a volunteer rescue squad, a volunteer ambulance squad, or any other volunteer organization designated by a local jurisdiction as a responder to a release or threatened release of hazardous materials. (1988, chs. 760, 761; 1989, ch. 5, § 1; 1991, ch. 419; 1993, ch. 591.)

§ 3-1102. Responsibility of motor carrier.

A motor carrier is responsible for the expense of an emergency response, containment, cleanup, and abatement of a spill of hazardous materials in a traffic accident by a volunteer fire department, volunteer rescue squad, volunteer ambulance company, or the individual members of the department, squad, or company if the motor carrier:

(1) Transports a hazardous material in commerce on a highway in the State; and

(2) Is at fault and causes a traffic accident in the State that results in:

- (i) A spill or discharge involving hazardous materials; and
- (ii) An emergency response, containment, cleanup, and abatement by the volunteer fire department, volunteer rescue squad, or volunteer ambulance company. (1988, chs. 760, 761.)

§ 3-1102.1. Responsibility of person at fault.

A person in control who is at fault is responsible for the expense of an emergency response, containment, cleanup, and abatement of a release or threatened release of hazardous materials at a fixed facility by a volunteer fire company, or the individual members of the volunteer fire company. (1993, ch. 591.)

§ 3-1103. Negotiations and actions for reimbursement.

(a) *Negotiations.* — (1) A motor carrier that is at fault and causes a traffic accident that results in a spill or discharge of hazardous materials shall negotiate in good faith to reimburse a volunteer fire company for the expense of an emergency response, containment, cleanup, and abatement involving the hazardous materials in the traffic accident.

(2) A person in control of a fixed facility who is at fault and who is involved in a release or threatened release of hazardous materials shall negotiate in good faith to reimburse a volunteer fire company for the expense of an emergency response, containment, cleanup, and abatement involving the hazardous materials in the release or threatened release.

(b) *Actions for reimbursement.* — (1) If the negotiations under subsection (a)(1) of this section do not resolve the dispute to the satisfaction of the parties, a volunteer fire company may file suit against the motor carrier in a court of competent jurisdiction in the State.

(2) If the negotiations under subsection (a)(2) of this section do not resolve the dispute to the satisfaction of the parties, a volunteer fire company may file suit against the person in control in a court of competent jurisdiction in the State.

(c) *Suit by local jurisdiction.* — At the request of a volunteer fire company, a local jurisdiction may file suit under this subtitle on behalf of the volunteer fire company.

(d) *Attorney's fees.* — If a volunteer fire company is awarded damages under this subtitle, the court may also award reasonable attorney's fees. (1988, chs. 760, 761; 1993, ch. 591.)

§ 3-1104. Purchase of personal protective equipment or chemicals.

(a) *By county or municipality.* — If a county or municipality purchased any personal protective equipment or chemicals for the use of a volunteer fire company, volunteer rescue squad, or volunteer ambulance company, any reimbursement under this subtitle for the expense of an emergency response,

containment, cleanup, and abatement shall be paid to the county or municipality that supplied the equipment or chemicals.

(b) *By volunteer fire company, rescue squad, etc.* — If a volunteer fire company, volunteer rescue squad, or volunteer ambulance company purchases any personal protective equipment or chemicals for the use of the volunteer fire company, volunteer rescue squad, or volunteer ambulance company, any reimbursement under this subtitle for the expense of an emergency response, containment, cleanup, and abatement shall be paid to the volunteer fire company, volunteer rescue squad, or volunteer ambulance company that supplies the equipment or chemicals.

(c) *By individuals.* — If an individual who works for a volunteer fire company, volunteer rescue squad, or volunteer ambulance company paid for the individual's personal protective equipment, then the individual shall receive any reimbursement obtained under this subtitle. (1988, chs. 760, 761.)

§ 3-1105. Liability or immunity of volunteer fire company or rescue squad or personnel.

This subtitle does not affect any liability or immunity of a volunteer fire company, a volunteer rescue squad, or the personnel of a volunteer fire company or volunteer rescue squad under § 5-604 of this article. (1988, chs. 760, 761; 1989, ch. 5, § 1; 1993, ch. 591; 1997, ch. 14, § 20.)

§ 3-1106. Farm vehicles.

(a) *“Farm vehicle” defined.* — In this section, “farm vehicle” has the meaning stated in § 13-911 of the Transportation Article.

(b) *Applicability of subtitle.* — This subtitle does not apply to a release of hazardous materials from a farm vehicle that is involved in a traffic accident.

(c) *Actions against owner or operator.* — This section does not abrogate any statutory or common law right or cause of action of a person against the owner or operator of a farm vehicle that has been involved in a traffic accident involving a release of hazardous materials. (1988, chs. 760, 761.)

§ 3-1107. Scope of subtitle.

This subtitle does not abrogate any statutory or common law right or cause of action of a person against:

(1) A motor carrier that has been involved in a traffic accident involving a release of hazardous materials; or

(2) A person in control of a fixed facility involved in a release or threatened release of hazardous materials. (1988, chs. 760, 761; 1993, ch. 591.)

§ 3-1108. Volunteer fire company.

(a) *Assistance requested.* — If a volunteer fire company attempts but is not able to provide for the emergency response, containment, cleanup, and abatement of a spill of hazardous materials in a traffic accident, the incident

commander at the scene of the traffic accident may request assistance from any other person, partnership, firm, association, corporation, or other entity that is experienced in the emergency response, containment, cleanup, and abatement of a spill of hazardous materials in a traffic accident.

(b) *Reimbursement by the State Hazardous Substance Control Fund.* — Subject to a written memorandum of agreement between the Department of the Environment and the fire company, any costs incurred under subsection (a) of this section may be reimbursed from the State Hazardous Substance Control Fund under § 7-221 of the Environment Article.

(c) *Reimbursement by the person responsible for the release.* — Any expenditure from the State Hazardous Substance Control Fund made in accordance with the provisions of this section shall be reimbursed to the Department by the person responsible for the release as provided under § 7-221 of the Environment Article. (1991, ch. 419.)

*Subtitle 12. Reimbursement for Costs of Emergency
Response, Containment, Cleanup, and
Abatement — Paid Fire Companies
and Rescue Squads.*

§ 3-1201. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Expense of an emergency response, containment, cleanup, and abatement.* — (1) “Expense of an emergency response, containment, cleanup, and abatement” means the reasonable costs associated with the repair or replacement of personal protective equipment:

(i) Owned by:

1. A paid fire department; or

2. An authorized individual, whether paid or volunteer, who participates in an emergency response, containment, cleanup, and abatement by a paid fire department; and

(ii) Damaged through proper use during an emergency response, containment, cleanup, and abatement of a release of hazardous materials resulting from a traffic accident involving a motor vehicle operated by a motor carrier that is transporting hazardous materials or from a release or threatened release of hazardous materials at a fixed facility.

(2) “Expense of an emergency response” includes the reasonable costs of replacing the chemicals that are used or damaged during an emergency response, containment, cleanup, and abatement.

(c) *Fixed facility.* — (1) “Fixed facility” means any installation, structure, or premises, above ground or underground, in which hazardous materials are stored with a capacity to store more than 1,000 pounds of hazardous materials.

(2) “Fixed facility” does not include a farm or any building or structure associated with a farm.

(d) *Hazardous materials.* — (1) “Hazardous materials” means a substance or material in a quantity or form that the United States Secretary of

Transportation designates may pose an unreasonable risk to health and safety of individuals or to property when transported in commerce.

(2) “Hazardous materials” includes any grouping or classification of materials, that the United States Secretary of Transportation designates as a hazardous material, including:

- (i) Explosives;
- (ii) Radioactive materials;
- (iii) Etiologic agents;
- (iv) Flammable liquids or solids;
- (v) Combustible liquids or solids;
- (vi) Poisons;
- (vii) Oxidizing or corrosive materials; and
- (viii) Compressed gases.

(e) *Highway*. — “Highway” has the same meaning as provided in § 11-127 of the Transportation Article.

(f) *Motor carrier*. — “Motor carrier” means a common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier by motor vehicle that carries a hazardous material in commerce.

(g) *Paid fire department*. — “Paid fire department” includes a paid fire department, a paid rescue squad, a paid emergency medical service, a paid hazardous material response team, paid law enforcement, and a local department of public works designated by a local jurisdiction as a responder to a release or threatened release of hazardous materials, or as an assistant to a responder.

(h) *Person in control*. — “Person in control”, with respect to a release or threatened release of hazardous materials at a fixed facility, means:

(1) The owner of the hazardous materials; and

(2) The owner or operator of the fixed facility involved in the release or threatened release of hazardous materials at the time of or immediately before the release or threatened release. (1988, chs. 762, 763; 1989, ch. 5, § 1; 1991, ch. 419; 1993, ch. 591; 2006, ch. 44, § 6.)

§ 3-1202. Responsibility of motor carrier.

A motor carrier is responsible for the expense of an emergency response, containment, cleanup, and abatement by a paid fire department if the motor carrier:

(1) Transports a hazardous material in commerce on a highway in the State; and

(2) Is at fault and causes a traffic accident in the State that results in:

(i) A spill or discharge of hazardous materials; and

(ii) An emergency response, containment, cleanup, and abatement by the paid fire department. (1988, chs. 762, 763.)

§ 3-1202.1. Responsibility of person at fault.

A person in control who is at fault is responsible for the expense of an emergency response, containment, cleanup, and abatement of a release or

threatened release of hazardous materials at a fixed facility by a paid fire department. (1993, ch. 591.)

§ 3-1203. Negotiations and actions for reimbursement.

(a) *Negotiations.* — (1) A motor carrier that is at fault and causes a traffic accident that results in a spill or discharge of hazardous materials shall negotiate in good faith to reimburse a paid fire department for the expense of an emergency response, containment, cleanup, and abatement involving the hazardous materials in the traffic accident.

(2) A person in control of a fixed facility who is at fault and who is involved in a release or threatened release of hazardous materials shall negotiate in good faith to reimburse a paid fire department for the expense of an emergency response, containment, cleanup, and abatement involving the hazardous materials in the release or threatened release.

(b) *Actions for reimbursement.* — (1) If the negotiations under subsection (a)(1) of this section do not resolve the dispute to the satisfaction of the parties, a paid fire department may file suit against the motor carrier in a court of competent jurisdiction in the State.

(2) If the negotiations under subsection (a)(2) of this section do not resolve the dispute to the satisfaction of the parties, a paid fire department may file suit against the person in control in a court of competent jurisdiction in the State. (1988, chs. 762, 763; 1993, ch. 591.)

§ 3-1204. Liability or immunity of paid fire company, rescue squad, or personnel.

This subtitle does not affect any liability or immunity of a paid fire company, a paid rescue squad, or the personnel of a paid fire company or paid rescue squad under § 5-604 of this article. (1988, chs. 762, 763; 1989, ch. 5, § 1; 1993, ch. 591; 1997, ch. 14, § 20.)

§ 3-1205. Farm vehicles.

(a) *“Farm vehicle” defined.* — In this section, “farm vehicle” has the meaning stated in § 13-911 of the Transportation Article.

(b) *Applicability of subtitle.* — This subtitle does not apply to a release of hazardous materials from a farm vehicle that is involved in a traffic accident.

(c) *Actions against owner or operator.* — This section does not abrogate any statutory or common law right or cause of action of a person against the owner or operator of a farm vehicle that has been involved in a traffic accident involving a release of hazardous materials. (1988, chs. 762, 763.)

§ 3-1206. Scope of subtitle.

This subtitle does not abrogate any statutory or common law right or cause of action of a person against:

(1) A motor carrier that has been involved in a traffic accident involving a release of hazardous materials; or

(2) A person in control of a fixed facility involved in a release or threatened release of hazardous materials. (1988, chs. 762, 763; 1993, ch. 591.)

§ 3-1207. Paid fire company.

(a) *Assistance requested.* — If a paid fire company attempts but is not able to provide for the emergency response, containment, cleanup, and abatement of a spill of hazardous materials in a traffic accident, the incident commander at the scene of the traffic accident may request assistance from any other person, partnership, firm, association, corporation, or other entity that is experienced in the emergency response, containment, cleanup, and abatement of a spill of hazardous materials in a traffic accident.

(b) *Reimbursement by the State Hazardous Substance Control Fund.* — Subject to a written memorandum of agreement between the Department of the Environment and the fire company, any costs incurred under subsection (a) of this section may be reimbursed from the State Hazardous Substance Control Fund under § 7-221 of the Environment Article.

(c) *Reimbursement by the person responsible for the release.* — Any expenditure from the State Hazardous Substance Control Fund made in accordance with the provisions of this section shall be reimbursed to the Department by the person responsible for the release as provided under § 7-221 of the Environment Article. (1991, ch. 419.)

TITLE 5.

LIMITATIONS, PROHIBITED ACTIONS, AND IMMUNITIES.

Subtitle 1. Limitations.

§ 5-110. Actions under Public Information Act.

An action to enforce any criminal or civil liability created under Title 4 of the General Provisions Article may be brought within two years from the date on which the cause of action arises, except that if the defendant has materially and willfully misrepresented any information required under those sections to be disclosed to a person and the information so misrepresented is material to the establishment of liability of the defendant to the person under those sections, the action may be brought at any time within two years after discovery by the person of the misrepresentation. (1978, ch. 1006; 1990, ch. 6, § 2; 2006, ch. 44, § 6; 2014, ch. 104, § 2.)

Effect of amendments. — Section 2, ch. 104, Acts 2014, effective October 1, 2014, substituted “Title 4 of the General Provisions Article” for “Part III of Title 10, Subtitle 6 of the State Government Article.”

Maryland Law Review. — For article, “Survey of Developments in Maryland Law, 1983-84,” see 44 Md. L. Rev. 288 (1985).

For comment discussing sovereign immunity from statutes of limitation in Maryland, see 46 Md. L. Rev. 408 (1987).

Criminal investigation files. — Although the county that resisted an inmate’s request for release of old criminal investigation files had failed to preserve for review its claim that the request was untimely made, the court never-

theless addressed the issue's merits as well, holding that it would not have been fair to preclude the action given other delays to which the inmate, who had only barely missed the cutoff date for seeking review, from proceeding, and that the record indicated several other possible dates of accrual that would have been fully compliant, given that in a nondisclosure case, a triggering event was normally continued withholding, not a particular historically pinpointed act. *Blythe v. State*, 161 Md. App. 492, 870 A.2d 1246 (2005).

Review of agency's denial of request. — Actions for judicial review of administrative agency's denial of request for public records may be brought within 2 years, since this later enacted section prevails to the extent of any inconsistencies with Maryland Rules B4 and B5 (see now Rule 7-203). *Kline v. Fuller*, 56 Md. App. 294, 467 A.2d 786 (1983).

Cited in *State v. Sharafeldin*, 382 Md. 129, 854 A.2d 1208 (2004); *Powell v. Breslin*, 195 Md. App. 340, 6 A.3d 360 (2010).

Subtitle 3. Local Government Tort Claims Act.

§§ 5-309, 5-309.1, 5-309.3, 5-310, 5-312 to 5-314, 5-327, 5-330. Emergency medical care; fire and rescue companies; physicians and volunteers working at charitable organizations providing health care services; support for emergency medical system; personal liability of agents of certain associations or organizations, community recreation program volunteer or athletic official, or volunteer of charitable organization; federal law enforcement officer making arrest without warrant; disclosure of information concerning fire loss.

Redesignated.

Editor's note. — Section 9, ch. 14, Acts 1997, approved Apr. 8, 1997, and effective from date of enactment, transferred former §§ 5-305 through 5-308, 5-308.1, 5-309, 5-309.1 through 5-309.4 and 5-310 through 5-330 of this article

to be present §§ 5-401, 5-502, 5-402 through 5-404, 5-603, 5-604 through 5-607, 5-608, 5-405, 5-406, 5-802, 5-407, 5-503, 5-609, 5-408, 5-504 through 5-511, 5-610 through 5-612, 5-512 and 5-409 of this article, respectively.

§§ 5-357, 5-399.5. Persons assisting in controlling discharge of hazardous substance; negligent operation of emergency vehicle.

Redesignated.

Editor's note. — Section 9, ch. 14, Acts 1997, approved Apr. 8, 1997, and effective from date of enactment, transferred former §§ 5-339 to 5-370, 5-370.1, 5-371 to 5-399 and 5-399.1 through 5-399.7 of this article to be present §§ 5-513 through 5-515, 5-415, 5-614, 5-516, 5-416, 5-517, 5-417 through 5-421, 5-615, 5-518, 5-803, 5-616, 5-519, 5-617, 5-702, 5-618, 5-422, 5-619 through 5-622, 5-520, 5-521, 5-623 through 5-626, 5-627, 5-628 through 5-635, 5-703, 5-704, 5-636, 5-705 through 5-715, 5-637, 5-638, 5-716 through 5-719, 5-804, 5-423, 5-522

through 5-524, 5-639, 5-805 and 5-424 of this article, respectively. Due to the repeal of § 5-331 by § 1 of ch. 14, and pursuant to direction by the Department of Legislative Services, these sections have been renumbered to be present §§ 5-513 through 5-515, 5-414, 5-614, 5-516, 5-415, 5-517, 5-416 through 5-420, 5-615, 5-518, 5-803, 5-616, 5-519, 5-617, 5-702, 5-618, 5-421, 5-619 through 5-622, 5-520, 5-521, 5-623 through 5-626, 5-627, 5-628 through 5-635, 5-703, 5-704, 5-636, 5-705 through 5-715, 5-637, 5-638, 5-716 through 5-719, 5-804, 5-422, 5-522

through 5-524, 5-639, 5-805 and 5-424, respectively.

Subtitle 4. Immunities and Prohibited Actions — Businesses, Associations, and Charities.

§ 5-406. Personal liability — Agents of certain associations or organizations.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Agent of an association or organization” means a director, officer, trustee, employee, or volunteer of an association or organization who provides services or performs duties on behalf of the association or organization.

(ii) “Agent of an association or organization” does not include an independent contractor who provides services or performs duties on behalf of the association or organization on a contractual basis.

(3) “Association or organization” means:

(i) An athletic club;

(ii) A charitable organization;

(iii) A civic league or organization;

(iv) A community association;

(v) A cooperative housing corporation as that term is defined under § 5-6B-01 of the Corporations and Associations Article;

(vi) A council of unit owners of a condominium as that term is defined in § 11-101 of the Real Property Article; or

(vii) A homeowners’ association.

(4) “Athletic club” means a club organized and operated exclusively for recreational purposes that is exempt from taxation under § 501(c)(7) of the Internal Revenue Code.

(5) “Charitable organization” means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(6) “Civic league or organization” means an organization, operated exclusively for the promotion of social welfare, that is exempt from taxation under § 501(c)(4) of the Internal Revenue Code.

(7) “Community association” means a nonprofit association, corporation, or other organization that registers with the Secretary of State under § 7-108 of the State Government Article and:

(i) 1. Is composed of at least 25% of the adult residents of a local community that:

A. Consists of at least 40 households; and

B. Is defined by specific geographic boundaries in the bylaws or charter of the organization;

2. At least annually, requires the payment of dues;

3. Promotes social welfare and general civic improvement; and

4. In the case of a corporation, is in good standing;

(ii) 1. Is composed of at least 100 adult residents, but less than 25% of the adult residents of a local community that:

A. Consists of at least 40 households; and

B. Is defined by specific geographic boundaries in the bylaws or charter of the organization;

2. Was organized on or before January 1, 2000, and has been in continuous operation since that date; and

3. Meets the requirements of item (i)2, 3, and 4 of this paragraph; or

(iii) 1. Is composed of more than one of the organizations described in item (i) or item (ii) of this paragraph; and

2. Each of those organizations meets the requirements of item (i) or item (ii) of this paragraph.

(8) “Compensation” does not include actual and necessary expenses that are incurred by a volunteer in connection with the services provided or duties performed by the volunteer on behalf of an association or organization, and that are reimbursed to the volunteer or otherwise paid.

(9) “Homeowners’ association” means a nonprofit association, corporation, or other organization comprised of property owners in a subdivision or group of subdivisions whose purpose is to represent the mutual interests of the property owners regarding the construction, protection, and maintenance of the commonly owned or used property and improvements.

(10) “Suit” means any civil action, except any health care malpractice action, brought against an agent of an association or organization or against the association or organization by virtue of the agent’s act or omission in providing services or performing duties on behalf of the association or organization.

(11) “Volunteer” means an officer, director, trustee, or other person who provides services or performs duties on behalf of an association or organization without receiving compensation.

(b) *Conditions prohibiting imposition of personal damages.* — Except as provided in subsection (d) of this section, an agent of an association or organization is not personally liable for damages in any suit if:

(1) The association or organization maintains insurance covering liability incurred by the association or organization or its agents, or both, as a result of the acts or omissions of its agents in providing services or performing duties on behalf of the association or organization;

(2) The terms of the insurance policy under which the insurance is maintained provide coverage for the act or omission which is the subject matter of the suit and no meritorious basis exists for the denial of the coverage by the insurance carrier; and

(3) The insurance has:

(i) A limit of coverage of not less than:

1. \$200,000 per individual claim, and \$500,000 per total claims that arise from the same occurrence; or

2. \$750,000 per policy year, and \$500,000 per total claims that arise from the same occurrence; and

(ii) 1. If the insurance has a deductible, a deductible amount not greater than \$10,000 per occurrence; or

2. If there is coinsurance, a rate of coinsurance not greater than 20 percent.

(c) *Limitations on recovery.* — In suits to which the provisions of subsection (b) of this section apply, the plaintiff may recover damages from the association or organization only to the extent of the applicable limit of insurance coverage including any amount for which the association or organization is responsible as a result of any deductible or coinsurance provisions of such insurance coverage.

(d) *Liability in cases of malice or gross negligence.* — An agent of an association or organization shall be liable for damages in any suit in which it is found that the agent acted with malice or gross negligence, to the extent that the judgment for damages exceeds the limits on liability under subsection (c) of this section.

(e) *Section inapplicable to suits proving willful violation of registration provisions.* — The provisions of this section do not apply to suits brought by the Attorney General upon referral by the Secretary of State in which willful violations of Title 6 of the Business Regulation Article are alleged and proven.

(f) *New cause of action not created; no affect on immunities from civil liability.* — (1) This section does not create, and may not be construed as creating, a new cause of action or substantive legal right against an association or organization or an agent of an association or organization.

(2) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the Code or available at common law, to which an association or organization or an agent of an association or organization may be entitled.

(g) *Citation.* — This section may be cited as the Maryland Associations, Organizations, and Agents Act. (1986, ch. 5, § 4; ch. 643; 1987, ch. 11, § 2; ch. 694; 1988, ch. 110, § 1; 1989, chs. 595, 748; 1990, ch. 5; 1991, ch. 289; 1994, chs. 268, 530, 576; 1995, ch. 3, § 1; 1996, ch. 10, § 1; 1997, ch. 14, § 9; 2003, ch. 160; 2004, ch. 25; 2005, ch. 309.)

Editor's note. — Section 2, ch. 643, Acts 1986, as amended by ch. 694, Acts 1987, provides that “the provisions of § 5-312 [now § 5-406] of the Courts and Judicial Proceedings Article, regarding charitable organizations, as enacted by this act shall apply to any cause of action arising on or after July 1, 1986. The provisions of § 5-312 [now § 5-406] of the Courts and Judicial Proceedings Article, regarding athletic associations, community associations, and homeowners' associations, as enacted by this act, shall apply to any cause of action arising on or after July 1, 1987.”

Section 2, ch. 268, Acts 1994, provides that “this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before October 1, 1994.”

Section 2, ch. 530, Acts 1994, provides that “this Act shall be construed only prospectively and may not be applied or interpreted to have

any effect on or application to any cause of action arising before October 1, 1994.”

Section 2, ch. 576, Acts 1994, provides that “this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before October 1, 1994.”

Section 2, ch. 309, Acts 2005, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act [October 1, 2005].”

University of Baltimore Law Review. — For article, “Gross, Reckless, Wanton, and Indifferent: Gross Negligence in Maryland Civil Law,” see 30 U. Balt. L. Rev. 1 (2000).

Applied in *Pinsky v. Pikesville Rec. Council*, 214 Md. App. 550, 78 A.3d 471 (2013).

Cited in *Abramson v. Reiss*, 334 Md. 193, 638 A.2d 743 (1994).

§ 5-407. Personal liability — Volunteer of charitable organization.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Association or organization” means:

- (i) A business league;
- (ii) A charitable organization;
- (iii) A civic league;
- (iv) A club;
- (v) A labor, agricultural, or horticultural organization; or
- (vi) A local association of employees.

(3) “Business league” means a league, chamber of commerce, real estate board, or board of trade that is exempt from taxation under § 501(c)(6) of the Internal Revenue Code.

(4) “Charitable organization” means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

(5) “Civic league” means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(4) of the Internal Revenue Code.

(6) “Club” means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(7) of the Internal Revenue Code.

(7) “Compensation” does not include actual and necessary expenses that are incurred by a volunteer in connection with the services provided or duties performed by the volunteer on behalf of an association or organization, and that are reimbursed to the volunteer or otherwise paid.

(8) “Labor, agricultural, or horticultural organization” means an organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(5) of the Internal Revenue Code.

(9) “Local association of employees” means an association of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, that is exempt from taxation under § 501(c)(4) of the Internal Revenue Code.

(10) “Suit” means a civil action, including a health care malpractice action filed with the Health Care Alternative Dispute Resolution Office, brought against a volunteer of an association or organization or against the association or organization by virtue of the volunteer’s act or omission in providing services or performing duties on behalf of the association or organization.

(11) (i) “Volunteer” means an officer, director, trustee, or other person who provides services or performs duties for an association or organization without receiving compensation.

(ii) In a health care malpractice action, “volunteer” does not include a provider of health care services or an employee who performs duties on behalf of a charitable organization.

(b) *Liability of volunteers.* — A volunteer is not liable in damages beyond the limits of any personal insurance the volunteer may have in any suit that arises

from an act or omission of an officer, director, employee, trustee, or another volunteer of the association or organization for which the volunteer performs services, unless:

(1) The volunteer knew or should have known of an act or omission of a particular officer, director, employee, trustee, or another volunteer, and the volunteer authorizes, approves, or otherwise actively participates in that act or omission; or

(2) After an act or omission of a particular officer, director, employee, trustee, or another volunteer, the volunteer, with full knowledge of that act or omission, ratifies it.

(c) *When volunteer liable.* — A volunteer is not liable in damages beyond the limits of any personal insurance the volunteer may have in any suit that arises from the volunteer's act or omission in connection with any services provided or duties performed by the volunteer on behalf of the association or organization, unless an act or omission of the volunteer constitutes gross negligence, reckless, willful, or wanton misconduct, or intentionally tortious conduct.

(d) *New cause of action not created.* — (1) This section does not create, and may not be construed as creating, a new cause of action or substantive legal right against a volunteer.

(2) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the Code or available at common law, to which a volunteer may be entitled.

(e) *Applicability of section.* — The provisions of this section do not apply to suits brought by the Attorney General upon referral by the Secretary of State in which willful violations of Title 6, Subtitles 3, 4, 5, and 6 of the Business Regulation Article are alleged and proven.

(f) *Citation.* — This section may be cited as the Maryland Volunteer Service Act. (1987, chs. 750, 751; 1989, ch. 498; 1990, ch. 6, § 2; 1994, ch. 576; 1997, ch. 14, § 9; 2004, ch. 25; 2004 Sp. Sess., ch. 5, § 5.)

Editor's note. — Section 2, chs. 750 and 751, Acts 1987, provides that “the provisions of this act shall apply to any cause of action arising on or after July 1, 1987.”

Section 2, ch. 498, Acts 1989, provides that “the provisions of this act shall apply to any cause of action arising on or after July 1, 1989.”

Section 2, ch. 576, Acts 1994, provides that “this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before October 1, 1994.”

University of Baltimore Law Review. — For article, “Gross, Reckless, Wanton, and Indifferent: Gross Negligence in Maryland Civil Law,” see 30 U. Balt. L. Rev. 1 (2000).

Stated in *Sydnor v. Hathaway*, 228 Md. App. 691, 142 A.3d 658 (2016).

Cited in *Abramson v. Reiss*, 334 Md. 193, 638 A.2d 743 (1994); *Pinsky v. Pikesville Rec. Council*, 214 Md. App. 550, 78 A.3d 471 (2013).

§ 5-409. Immunity — Disclosure of information concerning fire loss.

In the absence of fraud no insurance company or person who furnishes information on its behalf is liable for damages in a civil action for any oral or written statement made or any other action taken that is necessary to supply information required under § 9-605 of the Public Safety Article. (1990, ch. 546, § 3; 1997, ch. 14, § 9; 2003, ch. 17.)

*Subtitle 5. Immunities and Prohibited Actions — Governmental.***§ 5-524. Immunity — Negligent use of motor vehicle while in government service.**

An owner or lessee of any motor vehicle registered under Title 13 of the Transportation Article may not raise the defense of sovereign or governmental immunity, to the extent of benefits provided by the security accepted by the Motor Vehicle Administration under § 17-103 of the Transportation Article, in any judicial proceeding in which the plaintiff claims that personal injury, property damage, or death was caused by the negligent use of the motor vehicle while in government service or performing a task of benefit to the government. (1990, ch. 546, § 3; 1997, ch. 14, § 9.)

Construction with Local Government Tort Claims Act and Transportation Article. — The longstanding notice requirement pertaining to tort actions against local governments, currently set forth in § 5-304 of this article, applies to an action for unliquidated damages brought against a county pursuant to § 17-107(c) of the Transportation Article and this section. *Williams v. Maynard*, 359 Md. 379, 754 A.2d 379 (2000).

Baltimore City, Maryland, as the self-insurer of an at-fault vehicle involved in an accident, is obligated under § 17-103(b) of the Transportation Article to pay property damage liability claims up to \$15,000 and, since the City did not include in its application for self-insurance any permissive user clause, no such exclusion existed in its Certificate of Self-Insurance when the captain of the fire department was involved in a motor vehicle accident while operating a City-owned vehicle. As a result, despite the city not being required to indemnify the captain under the Local Government Tort Claims Act,

§ 5-301et seq. of this title, since the captain was acting outside the scope of his employment at the time of the accident as a result of picking up his children from school and bringing them home for dinner, the City, as the self-insurer of the vehicle, was obligated to pay the judgment entered against the captain for the negligent operation of the City-owned vehicle in the same manner as an insurance company under an ordinary motor vehicle liability insurance policy. *Edwards v. Mayor & City Council*, 176 Md. App. 446, 933 A.2d 495 (2007).

Quoted in *United States v. Streidel*, 329 Md. 533, 620 A.2d 905 (1993); *Johnson v. Maryland State Police*, 331 Md. 285, 628 A.2d 162 (1993); *Williams v. Montgomery County*, 123 Md. App. 119, 716 A.2d 1100 (1998).

Cited in *Prince George's County v. Brent*, 414 Md. 334, 995 A.2d 672 (2010); *Mitchell v. Hous. Auth. of Balt. City*, 200 Md. App. 176, 26 A.3d 1012 (2011); *Hansen v. City of Laurel*, 420 Md. 670, 25 A.3d 122 (2011); *TransCare Maryland, Inc. v. Murray*, 431 Md. 225, 64 A.3d 887 (2013).

*Subtitle 6. Immunities and Prohibited Actions — Health and Public Safety.***§ 5-603. Emergency medical care.**

(a) *In general.* — A person described in subsection (b) of this section is not civilly liable for any act or omission in giving any assistance or medical care, if:

- (1) The act or omission is not one of gross negligence;
- (2) The assistance or medical care is provided without fee or other compensation; and
- (3) The assistance or medical care is provided:
 - (i) At the scene of an emergency;
 - (ii) In transit to a medical facility; or
 - (iii) Through communications with personnel providing emergency assistance.

(b) *Applicability.* — Subsection (a) of this section applies to the following:

(1) An individual who is licensed by this State to provide medical care;

(2) A member of any State, county, municipal, or volunteer fire department, ambulance and rescue squad, or law enforcement agency, the National Ski Patrol System, or a corporate fire department responding to a call outside of its corporate premises, if the member:

(i) Has completed an American Red Cross course in advanced first aid and has a current card showing that status;

(ii) Has completed an equivalent of an American Red Cross course in advanced first aid, as determined by the Secretary of Health;

(iii) Is certified or licensed by this State as an emergency medical services provider; or

(iv) Is administering medications or treatment approved for use in response to an apparent drug overdose and the member is:

1. Licensed or certified as an emergency medical services provider by the State Emergency Medical Services Board and authorized to administer the medications and treatment under protocols established by the State Emergency Medical Services Board;

2. Certified to administer the medications and treatment under protocols established by the Secretary of Health; or

3. Certified to administer the medications and treatment under protocols established by the Maryland State Police Medical Director;

(3) A volunteer fire department or ambulance and rescue squad whose members have immunity; and

(4) A corporation when its fire department personnel are immune under item (2) of this subsection.

(c) *Immunity for individual not covered by this section.* — An individual who is not covered otherwise by this section is not civilly liable for any act or omission in providing assistance or medical aid to a victim at the scene of an emergency, if:

(1) The assistance or aid is provided in a reasonably prudent manner;

(2) The assistance or aid is provided without fee or other compensation; and

(3) The individual relinquishes care of the victim when someone who is licensed or certified by this State to provide medical care or services becomes available to take responsibility. (1982, ch. 770, § 4; ch. 775; 1983, ch. 248; 1997, ch. 14, § 9; ch. 201, § 2; 2008, ch. 36; 2015, chs. 359, 360; 2016, ch. 8; 2017, ch. 214, § 7.)

Effect of amendments. — Chapters 359 and 360, Acts 2015, effective October 1, 2015, made identical changes. Each added (b)(2)(iv) and made related changes.

Chapter 8, Acts 2016, approved March 14, 2016, and effective from date of enactment, substituted “item (2)” for “paragraph (2)” in (b)(4).

Editor’s note. — Section 2, ch. 561, Acts 1997, provides that “this Act is intended to clarify that an individual who is certified by the State as an emergency medical technician-paramedic, also known as an ‘EMT-P’ or ‘para-

medic’, is entitled under § 5-309(b)(2)(iii) [now § 5-603(b)(2)(iii)] of the Courts Article to qualified immunity from civil liability for providing emergency assistance or medical care.”

Section 2, chs. 359 and 360, Acts 2015, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act [October 1, 2015].”

Section 7, ch. 214, Acts 2017, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the

approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor's note following the section affected." Pursuant to § 7, ch. 214, Acts 2017, "Secretary of Health" was substituted for "Secretary of Health and Mental Hygiene" in (b)(2)(i) and (b)(2)(iv)2.

Maryland Law Review. — For comment, "Mercy Hosp. v. Jackson: A Recurring Dilemma for Health Care Providers in the Treatment of Jehovah's Witnesses," see 46 Md. L. Rev. 514 (1987).

For survey, "Developments in Maryland Law, 1990-91," see 51 Md. L. Rev. 507 (1992).

University of Baltimore Law Review. — For article, "Gross, Reckless, Wanton, and Indifferent: Gross Negligence in Maryland Civil Law," see 30 U. Balt. L. Rev. 1 (2000).

Construction of section. — Both the public official immunity and good Samaritan immunity are conditional, the former being conditioned on the absence of malice and the latter on the absence of gross negligence, and the existence vel non of those other factors are generally issues of fact to be determined at trial. *Town of Port Deposit v. Petetit*, 113 Md. App. 401, 688 A.2d 54 (1997).

Applicability of section. — Entitlement to the qualified immunity afforded by this section and § 5-309.1 [now § 5-604] of this article requires a finding that the defendant satisfies the conditions stated in the statutes, not the least of which is a conclusion that he falls within the enumerated categories of persons protected and that his alleged negligence does not amount to gross negligence. *Artis v. Cyphers*, 100 Md. App. 633, 642 A.2d 298, aff'd, 336 Md. 561, 649 A.2d 838 (1994).

Not applicable to private ambulance company. — Good Samaritan Act, under this subtitle, did not apply to a private ambulance company. *Murray v. Transcare Md., Inc.*, 203 Md. App. 172, 37 A.3d 987 (2012).

Ambulance company not immune under Good Samaritan Act. — Ambulance company did not have immunity under the Good Samaritan Act, because (b)(3) did not extend to for-profit organizations like the ambulance company, regardless of whether its employee was covered by the Act. *TransCare Maryland, Inc. v. Murray*, 431 Md. 225, 64 A.3d 887 (2013).

Gross negligence not found. — Where the conduct of the paramedic and the police officer in treating decedent did not amount to gross negligence, they were immune from liability for death, and the trial court properly granted their motions for summary judgment. *McCoy v. Hatmaker*, 135 Md. App. 693, 763 A.2d 1233 (2000), cert. denied, 364 Md. 141, 771 A.2d 1070 (2001).

Compensation. — Absent a charge to the victim by the person who is seeking immunity, salaried personnel do not receive "compensation" within the meaning of this section. *Tatum v. Gigliotti*, 80 Md. App. 559, 565 A.2d 354 (1989), aff'd, 321 Md. 623, 583 A.2d 1062 (1991).

The immunity provided by this section applies to a salaried emergency medical technician, acting within assigned duties, who does not charge a fee directly to the victim. *Tatum v. Gigliotti*, 321 Md. 623, 583 A.2d 1062 (1991).

Fee that does not fully compensate. — The fact that a fee charged by a municipality does not cover fully the City's expenses in providing such emergency services, and the fact that the fee does not result in a profit for the municipality, are irrelevant points for the purposes of construing the applicability of the statute to the action in question. *Chase v. Mayor & City Council of Baltimore*, 126 Md. App. 427, 730 A.2d 239 (1999), cert. granted sub nom. *Baltimore v. Chase*, 356 Md. 16, 736 A.2d 1064 (1999).

Fee not paid. — The fact that a fee charged was never actually paid is irrelevant for the purposes of construing the applicability of the statute to the action in question. *Chase v. Mayor & City Council of Baltimore*, 126 Md. App. 427, 730 A.2d 239 (1999), cert. granted sub nom. *Baltimore v. Chase*, 356 Md. 16, 736 A.2d 1064 (1999).

Fee charged for the transfer of a patient. — If the State Police charged a fee for the transfer of a patient from one hospital to another, the State Police employees involved in the transfer would no longer have immunity under this section. 76 Op. Att'y Gen. 95 (July 26, 1991).

The imposition of a fee by the State Police would not affect the immunity of persons employed by the hospitals involved or a shock trauma center. The question of their immunity under this section would depend on whether they or their employers charged a fee for their role in the transfer of the patient. 76 Op. Att'y Gen. 95 (July 26, 1991).

Because this section does not provide an exception for the "token" fee charged by a city for "transport" costs, as these costs are within the purview of medical services, charging such fees removes immunity under the statute for services rendered. *Chase v. Mayor & City Council of Baltimore*, 126 Md. App. 427, 730 A.2d 239 (1999), cert. granted sub nom. *Baltimore v. Chase*, 356 Md. 16, 736 A.2d 1064 (1999).

Fees for ambulance services not permitted. — A proposed ordinance establishing fees for ambulance services provided by the Annapolis Fire Department would jeopardize the immunity provided under this section, because the proposed ordinance would impose a fee on a

victim for emergency assistance and medical care. 80 Op. Att’y Gen. 341 (June 9, 1995).

Immediate appeal from orders rejecting the immunity defense. — A trial court’s denial of a claim of qualified immunity, to the extent that it turns on an issue of law, is immediately appealable. *Artis v. Cyphers*, 100

Md. App. 633, 642 A.2d 298, aff’d, 336 Md. 561, 649 A.2d 838 (1994).

Cited in Mayor & City Council of Baltimore v. Chase, 360 Md. 121, 756 A.2d 987 (2000); *Mills v. Galyn Manor Homeowner’s Ass’n*, 239 Md. App. 663, 198 A.3d 879 (2018).

§ 5-604. Fire and rescue companies.

(a) *Immunity from civil liability.* — Notwithstanding any other provision of law, except for any willful or grossly negligent act, a fire company or rescue company, and the personnel of a fire company or rescue company, are immune from civil liability for any act or omission in the course of performing their duties.

(b) *Waiver of immunity.* — (1) The immunity granted by this section is waived with respect to actions to recover damages for the negligent operation of a motor vehicle to the following extent:

(i) For a self-insured fire company or rescue company, liability shall extend up to the minimum insurance limits imposed by § 17-103 of the Transportation Article; and

(ii) For a fire company or rescue company insured by an insurer authorized to issue insurance policies in this State, liability shall extend up to the maximum limit of any basic vehicle liability insurance policy it has in effect, exclusive of excess liability coverage.

(2) The immunity granted by this section is not waived and may be raised as a defense as to any amount of damages claimed above the limits in this subsection and as to any other action for damages not involving the negligent operation of a motor vehicle. (1983, ch. 546; 1997, ch. 14, § 9.)

Maryland Law Review. — For article, “Survey of Developments in Maryland Law, 1986-87,” see 47 Md. L. Rev. 739 (1988).

For survey, “Developments in Maryland Law, 1990-91,” see 51 Md. L. Rev. 507 (1992).

Section not retroactive. — This section does not confer immunity for allegedly tortious conduct occurring prior to its effective date. *Washington Sub. San. Comm’n v. Riverdale Heights Volunteer Fire Co.*, 308 Md. 556, 520 A.2d 1319 (1987).

Construction of section. — Both the public official immunity and good Samaritan immunity are conditional, the former being conditioned on the absence of malice and the latter on the absence of gross negligence, and the existence vel non of those other factors are generally issues of fact to be determined at trial. *Town of Port Deposit v. Petetit*, 113 Md. App. 401, 688 A.2d 54 (1997).

Applicability of section. — Entitlement to the qualified immunity afforded by this section and § 5-309 [now § 5-603] of this article requires a finding that the defendant satisfies the conditions stated in the statutes, not the least of which is a conclusion that he falls within the

enumerated categories of persons protected and that his alleged negligence does not amount to gross negligence. *Artis v. Cyphers*, 100 Md. App. 633, 642 A.2d 298, aff’d, 336 Md. 561, 649 A.2d 838 (1994).

This statute applies to municipal fire and rescue departments and their employees, as well as to volunteer fire and rescue companies and their employees. *Mayor & City Council of Baltimore v. Chase*, 360 Md. 121, 756 A.2d 987 (2000).

In a Federal Tort Claims Act action against a federally operated fire company to recover damages for the negligent operation of fire truck, the liability limit for a self-insured fire company under (b)(1)(i) applied; thus, liability for the United States was capped at \$20,000. *Estate of Boone v. United States*, 591 F. Supp. 2d 800 (D. Md. 2008).

Not applicable to private ambulance company. — Private ambulance company was not a fire or rescue company entitled to immunity under this section. *Murray v. Transcare Md., Inc.*, 203 Md. App. 172, 37 A.3d 987 (2012).

Ambulance company not a “rescue company.” — Ambulance company immune under

the Fire and Rescue Act, because it was in the business of transporting patients between facilities, a non-emergency function, and thus, was not a “rescue company.” *TransCare Maryland, Inc. v. Murray*, 431 Md. 225, 64 A.3d 887 (2013).

State actor for purposes of 42 U.S.C. § 1983. — Based on the indicia of State involvement, the functions carried out by the actor, the nature of the relationship between the State and the actor, and the powers and authorities that had been conferred upon the actor by the State, a local Maryland volunteer fire company was a State actor for purposes of 42 U.S.C. § 1983. *Goldstein v. Chestnut Ridge Volunteer Fire Co.*, 218 F.3d 337 (4th Cir. 2000).

Immediate appeal from orders rejecting the immunity defense. — A trial court’s denial of a claim of qualified immunity, to the extent that it turns on an issue of law, is immediately appealable. *Artis v. Cyphers*, 100 Md. App. 633, 642 A.2d 298, aff’d, 336 Md. 561, 649 A.2d 838 (1994).

Stated in *McCoy v. Hatmaker*, 135 Md. App. 693, 763 A.2d 1233 (2000), cert denied, 364 Md. 141, 771 A.2d 1070 (2001).

Cited in *Callahan v. Bowers*, 131 Md. App. 163, 748 A.2d 499 (2000).

§ 5-605. Law enforcement officer acting outside jurisdiction.

(a) *When not civilly liable.* — A law enforcement officer acting outside the officer’s jurisdiction but in the State, is not civilly liable, except to the extent that he would be if acting in his own jurisdiction, for any act or omission in preventing or attempting to prevent a crime, or in effectuating an arrest, in order to protect life or property if:

- (1) The action is not grossly negligent; and
- (2) The action is taken at the scene of the crime or attempted crime.

(b) *Defense by employer.* — A law enforcement officer sued for acting under subsection (a) of this section shall be defended in any civil action by the law enforcement officer’s employer as if the incident had occurred in the officer’s jurisdiction.

(c) *Benefits.* — A law enforcement officer who is injured in taking action under subsection (a) of this section is entitled to workers’ compensation, disability, death benefits, life insurance and all other benefits to the same extent as if the injury had been sustained in the officer’s jurisdiction. (1984, ch. 766; 1991, ch. 21, § 3; 1997, ch. 14, § 9.)

Off-duty intervention in a felony. — Although a police officer was off duty and outside of his jurisdiction when he was confronted with two armed robbers, he was still authorized and required to uphold the laws of the State of Maryland; thus, the trial court was correct in determining as a matter of law that the officer

was acting in his role as a police officer when he intervened in the felony. *Lovelace v. Anderson*, 126 Md. App. 667, 730 A.2d 774 (1999).

Quoted in *Lovelace v. Anderson*, 366 Md. 690, 785 A.2d 726 (2001).

Cited in *Callahan v. Bowers*, 131 Md. App. 163, 748 A.2d 499 (2000).

§ 5-606. Physicians and volunteers working at charitable organizations providing health care services.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Charitable organization” means:

(i) An organization, institution, association, society, or corporation that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, except licensed hospitals; or

(ii) A medical society that is exempt from taxation under § 501(c)(6) of the Internal Revenue Code.

(3) “Compensation” does not include actual and necessary expenses that are incurred by a volunteer or physician in connection with the services provided or the duties performed by the volunteer or physician on behalf of a charitable organization, and that are reimbursed to the volunteer or physician or otherwise paid.

(4) “Health care provider” has the meaning stated in § 3-2A-01 of this article.

(5) “Physician” means any physician licensed to practice medicine in the State.

(6) “Suit” means any civil action, including any health care malpractice action filed with the Health Care Alternative Dispute Resolution Office, brought against a volunteer or physician or a charitable organization by virtue of the volunteer’s or physician’s act or omission in providing services or performing duties on behalf of the charitable organization.

(7) “Volunteer” means an officer, director, trustee, or other person who provides services or performs duties on behalf of a charitable organization without receiving compensation.

(b) *Physicians and volunteers not liable; exceptions; limitations.* — (1) A volunteer who is a health care provider or physician who renders health care services voluntarily and without compensation to any person seeking health care at or through a charitable organization is not liable, for any amount in excess of any applicable limit of insurance coverage, in any suit for civil damages for any act or omission resulting from the rendering of such services unless the act or omission constitutes:

- (i) Willful or wanton misconduct;
- (ii) Gross negligence; or
- (iii) Intentionally tortious conduct.

(2) A volunteer who is a health care provider or physician who renders health care services voluntarily and without compensation to any person seeking health care through a charitable organization chartered to provide health care services to homeless or indigent individuals is not liable, for any amount in excess of any applicable limit of insurance coverage, in any suit for civil damages for any act or omission resulting from the rendering of such services unless the act or omission constitutes:

- (i) Willful or wanton misconduct;
- (ii) Gross negligence; or
- (iii) Intentionally tortious conduct.

(c) *Cause of action not created; immunity from civil liability or defenses not affected.* — (1) This section does not create, and may not be construed as creating, a new cause of action or substantive legal right against a physician or volunteer who is a health care provider.

(2) This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provision of the Code or available at common law, to which a volunteer who is a health care provider or physician may be entitled. (1987, ch. 620; 1989, ch. 5, § 1; 1994, ch.

576; 1995, ch. 554; 1997, ch. 14, § 9; 1999, ch. 564; 2000, ch. 61, § 1; 2001, ch. 29, § 1; 2004 Sp. Sess., ch. 5, § 5.)

Editor's note. — Section 2, ch. 620, Acts 1987, provides that “this Act shall be construed only prospectively, and may not be applied or interpreted to have any effect upon or application to any cause of action arising prior to July 1, 1987.”

Section 2, ch. 576, Acts 1994, provides that “this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before October 1, 1994.”

Section 2, ch. 564, Acts 1999, provides that “the provisions of this Act shall apply to any cause of action arising on or after October 1, 1999.”

University of Baltimore Law Review. — For article, “Gross, Reckless, Wanton, and Indifferent: Gross Negligence in Maryland Civil Law,” see 30 U. Balt. L. Rev. 1 (2000).

§ 5-608. Support for emergency medical system.

An individual is not civilly liable for any act or omission while providing support to the emergency medical system by giving care, equipment, facilities, or consultation, if:

- (1) The individual is a member or employee of any federal, State, county, or city government, hospital, emergency medical service council, or agency that operates as a nonprofit group;
- (2) The act or omission is not one of gross negligence; and
- (3) The service is provided without fee to the emergency victim. (1982, ch. 770, § 4; 1997, ch. 14, § 9.)

University of Baltimore Law Review. — For article, “Gross, Reckless, Wanton, and Indifferent: Gross Negligence in Maryland Civil Law,” see 30 U. Balt. L. Rev. 1 (2000).

Fee charged for the transfer of a patient. — If the State Police charged a fee for the transfer of a patient from one hospital to another, the State Police employees involved in the transfer would no longer have immunity under § 5-309 (now § 5-603) of this article. 76 Op. Att’y Gen. 95 (July 26, 1991).

The imposition of a fee by the State Police, however, would not affect the immunity of persons employed by the hospitals involved or a shock trauma center. The question of their immunity under § 5-309 (now § 5-603) of this article would depend on whether they or their employers charged a fee for their role in the transfer of the patient. 76 Op. Att’y Gen. 95 (July 26, 1991).

§ 5-611. Federal law enforcement officer making arrest without warrant.

A federal law enforcement officer who exercises the powers set forth under § 2-104 of the Criminal Procedure Article has the same legal status and immunity from suit as a State Police officer. (1990, ch. 546, § 3; 1993, ch. 70; 1994, ch. 165, § 3; ch. 166, § 3; 1995, ch. 3, § 2; 1997, ch. 14, § 9; 2001, ch. 35.)

Cited in Callahan v. Bowers, 131 Md. App. 163, 748 A.2d 499 (2000).

§ 5-617. Persons assisting in controlling discharge of hazardous substance.

(a) “*Discharge*” defined. — In this section, “discharge” includes leakage, seepage, or other release of a hazardous substance or material.

(b) *Immunity generally.* — Except as provided in subsections (c) and (d) of this section, a person who is called on for assistance in an emergency is not subject to any civil liability or penalty as a result of assistance or advice rendered in:

- (1) Mitigating the effects of an actual or threatened discharge of a hazardous substance or material;
- (2) Preventing a discharge of a hazardous substance or material;
- (3) Cleaning up a discharge of a hazardous substance or material; or
- (4) Attempting any of the acts in this subsection.

(c) *Exceptions.* — The immunity provided in subsection (b) of this section does not apply to a person:

(1) Whose act or omission was the original cause of an actual or threatened discharge in whole or in part, and who would otherwise be liable for the act or omission; or

(2) Who received compensation other than reimbursement for out-of-pocket expenses for rendering the assistance or advice.

(d) *Gross negligence, etc.* — Notwithstanding subsection (b) of this section, a person is liable for damages caused by that person's gross negligence or reckless, wanton, or intentional misconduct. (1990, ch. 546, § 3; 1997, ch. 14, § 9; 2002, ch. 19, § 10.)

University of Baltimore Law Review. — For article, "Gross, Reckless, Wanton, and Indifferent: Gross Negligence in Maryland Civil Law," see 30 U. Balt. L. Rev. 1 (2000).

§ 5-639. Negligent operation of emergency vehicle.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) "Emergency service" has the meaning stated in § 19-103 of the Transportation Article.

(3) "Emergency vehicle" has the meaning stated in § 11-118 of the Transportation Article.

(b) *Liability of operator.* — (1) An operator of an emergency vehicle, who is authorized to operate the emergency vehicle by its owner or lessee, is immune from suit in the operator's individual capacity for damages resulting from a negligent act or omission while operating the emergency vehicle in the performance of emergency service.

(2) This subsection does not provide immunity from suit to an operator for a malicious act or omission or for gross negligence of the operator.

(c) *Liability of owner or lessee.* — (1) An owner or lessee of an emergency vehicle, including a political subdivision, is liable to the extent provided in subsection (d) of this section for any damages caused by a negligent act or omission of an authorized operator while operating the emergency vehicle in the performance of emergency service.

(2) This subsection does not subject an owner or lessee to liability for the operator's malicious act or omission or for the operator's gross negligence.

(3) A political subdivision may not raise the defense of governmental immunity in an action against it under this section.

(d) *Limitation on liability.* — Liability under this section for self-insured jurisdictions is limited to the amount of the minimum benefits that a vehicle liability insurance policy must provide under § 17-103 of the Transportation Article, except that an owner or lessee may be liable in an amount up to the maximum limit of any basic vehicle liability insurance policy it has in effect exclusive of excess liability coverage.

(e) *Effect of judgment.* — A judgment under this section against the owner or lessee of an emergency vehicle constitutes a complete bar to any action or judgment deriving from the same occurrence against the operator of the emergency vehicle. (1990, ch. 546, § 3; 1997, ch. 14, § 9.)

University of Baltimore Law Review. — For article, “Gross, Reckless, Wanton, and Indifferent: Gross Negligence in Maryland Civil Law,” see 30 U. Balt. L. Rev. 1 (2000).

Immunity not applicable. — In order for immunity to apply to a police officer, pursuant to this section, when using an emergency vehicle in “pursuit” as stated in § 19-103(a)(3)(ii) of the Transportation Article, there must be at a minimum, movement by a suspect or violator of law, and reactive movement by the officer to apprehend said individual; thus, the actions by a police officer in investigating suspected drug activity in which the suspects remained in a stationary position did not qualify as a “pursuit” and, as such, the officer was not entitled to governmental immunity from a negligence suit brought by a driver and passenger who were injured in a collision with the officer when the

officer drove the wrong way down a one-way street without activating the lights or sirens to investigate the suspected drug activity. *Schreyer v. Chaplain*, 416 Md. 94, 5 A.3d 1054 (2010).

Where appellant sued a police officer in connection with her son’s death in a collision with the officer’s cruiser, the officer was not immune from liability because his own testimony established that at the time he collided with the son’s motorcycle, he was no longer pursuing him and, thus, was no longer operating his cruiser “in the performance of emergency service.” *Holloway-Johnson v. Beall*, 220 Md. App. 195, 103 A.3d 720 (2014).

Quoted in *Prince George’s County v. Brent*, 414 Md. 334, 995 A.2d 672 (2010).

Cited in *TransCare Maryland, Inc. v. Murray*, 431 Md. 225, 64 A.3d 887 (2013).

§ 5-641. Immunity from liability for persons who leave unharmed newborn child with a responsible adult.

(a) *In general.* — (1) A person who leaves an unharmed newborn with a responsible adult within 10 days after the birth of the newborn, as determined within a reasonable degree of medical certainty, and does not express an intent to return for the newborn shall be immune from civil liability or criminal prosecution for the act.

(2) If the person leaving a newborn under this subsection is not the mother of the newborn, the person shall have the approval of the mother to do so.

(b) *Taking newborn to medical facility.* — (1) A person with whom a newborn is left under the circumstances described in subsection (a) of this section as soon as reasonably possible shall take the newborn to a hospital or other facility designated by the Secretary of Human Services by regulation.

(2) A hospital or other designated facility that accepts a newborn under this subsection shall notify the local department of social services within 24 hours after accepting the newborn.

(c) *Immunity from liability for responsible adult and medical facility.* — A responsible adult and a hospital or other designated facility that accepts a newborn under this section and an employee or agent of the hospital or facility shall be immune from civil liability or criminal prosecution for good faith actions taken related to the acceptance of or medical treatment or care of the newborn unless injury to the newborn was caused by gross negligence or willful or wanton misconduct.

(d) *Regulations.* — The Secretary of Human Services shall adopt regulations to implement the provisions of this section. (2002, chs. 441, 442; 2008, chs. 415, 416; 2017, ch. 205, § 7.)

Editor's note. — Section 7, ch. 205, Acts 2017, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered

incorrect by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.” Pursuant to § 7, ch. 205, Acts 2017, “Secretary of Human Services” was substituted for “Secretary of Human Resources” in (b)(1) and (d).

TITLE 6.

PERSONAL JURISDICTION, VENUE, PROCESS AND PRACTICE.

Subtitle 4. Practice in General.

§ 6-406. Actions by and against unincorporated associations.

(a) *In general.* — An unincorporated association, joint stock company, or other group which has a recognized group name may sue or be sued in the group name on any cause of action affecting the common property, rights, and liabilities of the group.

(b) *Force and effect.* — An action under this section:

(1) Has the same force and effect with respect to the common property, rights, and liabilities of the group as if all members of the group were joined; and

(2) Does not abate because of any change of membership in the group or its dissolution. (1975, ch. 378, § 2.)

Use of business name. — Plaintiff's description of defendant as a person “trading as” the unincorporated group in which the defendant was a partner did not convert the claim into one asserted against the partnership where the partnership was not named as a defendant, and the named defendant was not served as the partnership's agent. *Hatzinicholas v. Protopapas*, 314 Md. 340, 550 A.2d 947 (1988).

Actions limited. — This section cannot be read to expand the kinds of unincorporated entities that may be sued in their group name to include amorphous groups having no clear separate identity, simply because they have a

group name. *Bourexix v. Carroll County Narcotics Task Force*, 96 Md. App. 459, 625 A.2d 391 (1993), cert. denied, 332 Md. 453, 632 A.2d 150 (1993), cert. denied, 510 U.S. 1195, 114 S. Ct. 1303, 127 L. Ed. 2d 654 (1994).

Actions against partnerships. — A creditor with a contractual claim against the partnership needs only to sue the partnership itself, and no longer has to sue all of the individual partners. *Hartford Accident & Indem. Co. v. Scarlett Harbor Assocs.*, 109 Md. App. 217, 674 A.2d 106 (1996).

Partners can be sued in the same action in which a partnership obligation is adjudicated. *Hartford Accident & Indem. Co. v. Scarlett*

Harbor Assocs., 109 Md. App. 217, 674 A.2d 106 (1996).

Actions against individual partners. — Trial court could enter monetary judgments individually against the partner of the partnership of which she was a member for breach of a contract to sell real estate to the limited liability company. However, the limited liability company could not reach the partners' personal assets unless the partnership assets are first exhausted or there was no effective remedy without resort to the individual partners' property. *Minh-Vu Hoang v. Hewitt Ave. Assocs., LLC*, 177 Md. App. 562, 936 A.2d 915 (2007).

Actions against individual officers. — In former employees' breach of contract case, the trial court erred in entering judgment against an unincorporated nonprofit association but not its members, because it failed to consider whether any of the members, who were the association's officers, ratified the employment contracts, in which case they would be personally liable for the breach. *Pinsky v. Pikesville Rec. Council*, 214 Md. App. 550, 78 A.3d 471 (2013).

Actions against individual officers. — Officers of a nonprofit unincorporated associa-

tion are personally liable for breach of the association's contract if they ratify the contract. *Pinsky v. Pikesville Rec. Council*, 214 Md. App. 550, 78 A.3d 471 (2013).

Employment trust lacked capacity to sue or be sued under State law. — Because the employment trust under State law lacked the capacity to sue or to be sued, pursuant to Fed. R. Civ. P. 17 it had no authority to bring suit under federal law because it did not state a claim under 29 USCS § 1132 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 USCS § 1001 et seq., or State law; therefore, the breach of contract claim brought by the trust against the insurance company had to be dismissed. *Allegis Group, Inc. Contrs.Health Plan Trust v. Conn. Gen. Life Ins. Co.*, — F. Supp. 2d —, 2004 U.S. Dist. LEXIS 10630 (D. Md. 2004).

Quoted in *Dixon v. Trinity Joint Venture*, 49 Md. App. 379, 431 A.2d 1364, cert. denied, 291 Md. 773 (1981); *Arrow Cab v. Himmelstein*, 348 Md. 558, 705 A.2d 294 (1998).

Cited in *Barlow v. Friendship Heights Citizens' Comm.*, 276 Md. 89, 344 A.2d 415 (1975).

TITLE 7.

COSTS, FINES, AND FORFEITURES.

Subtitle 3. District Court.

§ 7-301. Court costs.

(a) *Traffic case.* — (1) Except as provided in paragraphs (2) and (3) of this subsection, the court costs in a traffic case, including parking and impounding cases, cases under § 21-202.1, § 21-809, § 21-810, § 21-1414, or § 24-111.3 of the Transportation Article in which costs are imposed, and cases under § 10-112 of the Criminal Law Article in which costs are imposed:

(i) Are \$22.50; and

(ii) Shall also be applicable to those cases in which the defendant elects to waive the defendant's right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation.

(2) In an uncontested case under § 21-202.1, § 21-809, § 21-810, § 21-1414, or § 24-111.3 of the Transportation Article, an uncontested case under § 10-112 of the Criminal Law Article, or an uncontested parking or impounding case in which the fines are paid directly to a political subdivision or municipality, costs are \$2.00, which costs shall be paid to and retained by the political subdivision or municipality.

(3) (i) In an uncontested case in which the fine is paid directly to an agency of State government authorized by law to regulate parking of motor vehicles, the court costs are \$2.00.

(ii) The fine and the costs under this paragraph shall be paid to the agency, which shall receive and account for these funds as in all other cases involving sums due the State through a State agency.

(b) *Criminal case.* — (1) The court costs in a criminal case in which costs are imposed are \$22.50.

(2) The costs shall be in addition to any costs imposed in a criminal case under the Criminal Injuries Compensation Act.

(c) *Civil case.* — (1) The filing fees and costs in a civil case are those prescribed by law subject to modification by law, rule, or administrative regulation.

(2) The Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. \$8 per summary ejectment case; and
2. \$18 per case for all other civil cases; and

(ii) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.

(3) (i) In addition to the surcharge assessed under paragraph (2) of this subsection, the Chief Judge of the District Court shall assess a surcharge that may not be more than \$10 per case for the following cases filed in Baltimore City:

1. Summary ejectment;
2. Tenant holding over;
3. Breach of lease; and
4. Warrant of restitution.

(ii) The revenue generated from the surcharge on filing fees collected by the District Court in Baltimore City under subparagraph (i) of this paragraph shall be:

1. Remitted quarterly to the Baltimore City Director of Finance; and
2. Used to fund the enhancement of sheriff benefits and the increase in sheriff personnel to enhance the service of domestic violence orders.

(4) In addition to the surcharge assessed under paragraphs (2) and (3) of this subsection, the Chief Judge of the District Court shall assess a surcharge that:

(i) May not be more than:

1. \$3 per summary ejectment case; and
2. \$8 per case for all other civil cases; and

(ii) Shall be deposited into the Circuit Court Real Property Records Improvement Fund established under § 13-602 of this article.

(5) The Court of Appeals may provide by rule for waiver of prepayment of filing fees and other costs in cases of indigency.

(d) *Additional costs for bad checks.* — When a person pays court costs or a fine with a check in any motor vehicle, criminal, or civil case in the District Court, and the check is returned to the court by the financial institution on which it is drawn because of insufficient funds in the account, or because the account has been closed or never existed, then the court may impose additional costs of \$10 against the party issuing the check. These costs shall be in addition to any other penalty now prescribed by law.

(e) *Payment into Criminal Injuries Compensation Fund and Victim and Witness Protection and Relocation Fund.* — The Comptroller shall annually pay from the court costs collected by the District Court under subsections (a) and (b)(1) of this section:

(1) \$500,000 into the Criminal Injuries Compensation Fund established under § 11-819 of the Criminal Procedure Article;

(2) \$125,000 into the Victim and Witness Protection and Relocation Fund established under § 11-905 of the Criminal Procedure Article; and

(3) \$2,000,000 into the Maryland Police Training and Standards Commission Fund established under § 3-206.1 of the Public Safety Article.

(f) *Annual surcharge credits.* — (1) This subsection does not apply to a traffic case under § 21-202.1, § 21-809, § 21-810, or § 21-1414 of the Transportation Article or to a parking or impounding case.

(2) In a traffic case under subsection (a)(1) of this section the court shall add a \$7.50 surcharge to any fine imposed by the court.

(3) (i) The Comptroller annually shall credit the surcharges collected under this subsection as provided in this paragraph.

(ii) An amount annually as set forth in the State budget shall be distributed for the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship as established in § 18-603.1 of the Education Article.

(iii) An amount annually as set forth in the State budget shall be distributed to the Maryland State Firemen's Association for the Widows' and Orphans' Fund.

(iv) After the distribution under subparagraphs (ii) and (iii) of this paragraph, \$200,000 shall be distributed to the Maryland State Firemen's Association.

(v) After the distribution under subparagraphs (ii), (iii), and (iv) of this paragraph and until a total of \$20,000,000 has been distributed to the Volunteer Company Assistance Fund since the establishment of the surcharge under this subsection, the remainder shall be credited to the Volunteer Company Assistance Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article.

(vi) After a total of \$20,000,000 has been distributed to the Volunteer Company Assistance Fund, 100% of the remainder shall be credited to the Maryland Emergency Medical System Operations Fund established under § 13-955 of the Transportation Article.

(vii) On or before September 1 of each year until \$20,000,000 has been distributed to the Volunteer Company Assistance Fund, the State Court Administrator shall submit a report to the Senate Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2-1257 of the State Government Article, on the amount of revenue distributed to the Volunteer Company Assistance Fund under this paragraph. (An. Code 1957, art. 26, § 150A; 1973, 1st Sp. Sess., ch. 2, § 1; 1974, ch. 693, §§ 2, 4; 1975, ch. 10, § 1; ch. 289, § 2; 1976, ch. 457; 1977, ch. 191; 1984, ch. 255; 1988, ch. 446; 1989, ch. 5, § 1; 1990, ch. 6, § 2; ch. 647; 1991, ch. 557, § 2; 1994, ch. 115, § 14; 1996, ch. 585, § 18; chs. 587, 588; 1997, ch. 315; 1998, ch.

21, § 1; ch. 765; 1999, ch. 64; 2001, ch. 35; 2004, ch. 448; 2005, ch. 444, § 1; ch. 516, § 2; 2006, chs. 13, 15, 16, 416; 2007, ch. 8, § 2; 2009, ch. 500, § 2; 2010, ch. 484, § 2; ch. 486; ch. 735; 2011, ch. 397, § 1; 2012, chs. 375, 376; 2012 1st Sp. Sess., ch. 1, § 1; 2013, chs. 71, 72, 113, 325; ch. 425, § 1; ch. 503, § 2; 2014, ch. 464, § 1; 2015, ch. 488; 2017, chs. 797, 798; 2018, ch. 758; 2019, ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Chapters 71 and 72, Acts 2013, effective June 1, 2013, made identical changes. Each reenacted (c) without change.

Chapter 113, Acts 2013, effective July 1, 2013, added “§ 21-1414” in the introductory language of (a)(1) and in (a)(2); in (f)(1) added “or § 21-1414”; and made a related change.

Chapter 325, Acts 2013, effective July 1, 2013, added (c)(3) and redesignated accordingly.

Section 1, ch. 425, Acts 2013, effective June 1, 2013, deleted “plus the surcharge under subsection (f) of this section” after “\$22.50” in (a)(1)(i); in (f)(2) substituted “any fine” for “the court costs”; and made a stylistic change.

Section 2, ch. 503, Acts 2013, effective October 1, 2015, in (f)(3)(ii) substituted “Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship” for “Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program” and “§ 18-603.1” for “§ 18-603.”

Section 1, ch. 464, Acts 2014, effective June 1, 2014, added (f)(3)(iii) and redesignated accordingly; in (f)(3)(iv) substituted “subparagraphs (ii) and (iii)” for “subparagraph (ii)”; and in (f)(3)(v) substituted “subparagraphs (ii), (iii), and (iv)” for “subparagraphs (ii) and (iii).”

Chapter 488, Acts 2015, effective July 1, 2015, enacted pursuant to Article II, § 17(c) of the Maryland Constitution without the Governor’s signature, added (c)(4) and redesignated accordingly.

Chapters 797 and 798, Acts 2017, effective October 1, 2017, enacted pursuant to Article II, § 17(c) of the Maryland Constitution without the Governor’s signature, made identical changes. Each reenacted (c)(1), (c)(2), and (c)(5) without change.

Chapter 758, Acts 2018, effective July 1, 2018, reenacted (a) and (b) without change; and added (e)(3) and made related changes.

Editor’s note. — Section 2, ch. 486, Acts 2010, as amended by chs. 71 and 72, Acts 2013, and by chs. 797 and 798, Acts 2017, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor’s signature, provides that “this Act shall take effect July 1, 2010.” Chapters 797 and 798, Acts 2017, deleted a prior abrogation of amendment.

Section 2, ch. 113, Acts 2013, provides that “this Act shall apply to any previously incurred toll that remains unpaid on the effective date of this Act.”

Section 2, ch. 488, Acts 2015, enacted pursuant to Article II, § 17(c) of the Maryland Constitution without the Governor’s signature, provides that “this Act may not be construed to authorize the imposition of a surcharge in a filing fee in any criminal case filed in a circuit court or the District Court of Maryland.”

Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

§ 7-302. Collection and disposition of costs, fines, penalties, and forfeitures [Amendments subject to abrogation].

(a) *Duties of clerks.* — Except as provided in subsections (b) through (h) of this section, the clerks of the District Court shall:

- (1) Collect costs, fines, forfeitures, or penalties imposed by the court; and
- (2) Remit them to the State under a system agreed upon by the Chief Judge of the District Court and the Comptroller.

(b) *Remittance to local government or State agency.* — If a parking or impounding fine, penalty, or forfeiture, or a fine, penalty, or forfeiture relating to violation of housing, building, fire, health, or sanitation codes, or a Mass Transit Fare Payment Statute, or a fine or penalty relating to failure to pay the prescribed toll at an Authority highway, as defined in § 21-1401 of the

Transportation Article, is collected by the District Court pursuant to a local ordinance, law, or regulation of a political subdivision or municipality, or pursuant to a regulation of an agency of State government authorized to regulate parking of motor vehicles, or pursuant to a statute pertaining to the payment of mass transit fares, or pursuant to a statute pertaining to the failure to pay tolls, it shall be remitted to the respective local government, or to the State agency.

(c) *Payment of parking fine to be paid directly to agency of State government, political subdivision or municipality.* — Every agency of State government, political subdivision or municipality which has enacted or which shall enact an ordinance, law, or regulation controlling the parking of motor vehicles, or providing for the impounding of motor vehicles, or pertaining to the failure to pay tolls shall provide that fines, penalties or forfeitures for the violation of said ordinances, laws, or regulations shall be paid directly to the State agency, political subdivision or municipality, and not to the District Court, in uncontested cases.

(d) *Election to stand trial for parking violation.* — Every ordinance, law, or regulation controlling the parking of motor vehicles or providing for impounding such vehicles or pertaining to the failure to pay tolls shall provide that the person receiving a citation may elect to stand trial for said offense by notifying the State agency, political subdivision or municipality of his intention of standing trial, which notice shall be given at least five (5) days prior to the date of payment as set forth in the citation. Upon receipt of the notice of such intention to stand trial, the political subdivision or municipality shall forward to the District Court in said political subdivision or municipality, and the State agency shall forward to the District Court having venue, a copy of the citation and a copy of the notice from the person who received the citation indicating his intention to stand trial. Upon receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures to be adopted by the Chief Judge of the District Court. All parking or impounding fines, penalties or forfeitures or failure to pay toll penalties collected through the District Court pursuant to a parking or impounding or toll collection ordinance, law, or regulation enacted by a State agency, political subdivision or municipality shall be remitted to the respective local government or State agency.

(e) *Citations issued as result of automated monitoring systems; use of fines collected.* — (1) A citation issued pursuant to § 21-202.1, § 21-706.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article shall provide that the person receiving the citation may elect to stand trial by notifying the issuing agency of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the agency shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as the result of a vehicle height monitoring system, a traffic control signal monitoring system, or a speed monitoring system,

including a work zone speed control system, controlled by a political subdivision or a school bus monitoring camera shall provide that, in an uncontested case, the penalty shall be paid directly to that political subdivision. A citation issued as the result of a traffic control signal monitoring system or a work zone speed control system controlled by a State agency, or as a result of a vehicle height monitoring system, a traffic control signal monitoring system, a speed monitoring system, or a school bus monitoring camera in a case contested in District Court, shall provide that the penalty shall be paid directly to the District Court.

(3) Civil penalties resulting from citations issued using a vehicle height monitoring system, traffic control signal monitoring system, speed monitoring system, work zone speed control system, or school bus monitoring camera that are collected by the District Court shall be collected in accordance with subsection (a) of this section and distributed in accordance with § 12-118 of the Transportation Article.

(4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems or school bus monitoring cameras, a political subdivision:

1. May recover the costs of implementing and administering the speed monitoring systems or school bus monitoring cameras; and

2. Subject to subparagraphs (ii) and (iii) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.

2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.

(iii) The fines collected by Prince George's County as a result of violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted to the Comptroller for deposit into the Criminal Injuries Compensation Fund under § 11-819 of the Criminal Procedure Article.

(5) From the fines collected by Baltimore City as a result of violations enforced by vehicle height monitoring systems, Baltimore City may:

(i) Recover the costs of implementing and administering the vehicle height monitoring systems; and

(ii) Spend the remaining balance solely on roadway improvements.

(f) *Citations issued as result of dumping site surveillance systems.* — (1) A citation issued under § 10-112 of the Criminal Law Article shall provide that the person receiving the citation may elect to stand trial by notifying the Baltimore City Department of Public Works of the person's intention to stand trial at least 5 days prior to the date of payment as set forth in the citation. On receipt of the notice to stand trial, the Baltimore City Department of Public

Works shall forward to the District Court having venue a copy of the citation and a copy of the notice from the person who received the citation indicating the person's intention to stand trial. On receipt thereof, the District Court shall schedule the case for trial and notify the defendant of the trial date under procedures adopted by the Chief Judge of the District Court.

(2) A citation issued as a result of the use of a surveillance system shall provide that, in an uncontested case, the penalty shall be paid directly to Baltimore City.

(3) Civil penalties collected by the District Court resulting from citations issued as a result of the use of a surveillance system shall be collected in accordance with subsection (a) of this section and distributed to Baltimore City.

(g) *Citations issued as result of use or possession of less than 10 grams of marijuana.* — (1) A civil penalty collected by the District Court resulting from citations issued under § 5-601(c)(2)(ii) of the Criminal Law Article shall be remitted to the Maryland Department of Health.

(2) The Maryland Department of Health may use money received under this subsection only for the purpose of funding drug treatment and education programs.

(h) *Collection and remitting penalties for violations of animal abuse statutes.* — The clerks of the District Court shall:

(1) Collect the fines, forfeitures, and penalties imposed by the court for violations of §§ 10-604, 10-606, 10-607, and 10-608 of the Criminal Law Article; and

(2) Remit the fines, forfeitures, and penalties to the Animal Abuse Emergency Compensation Fund established under § 10-626 of the Criminal Law Article. (An. Code 1957, art. 26, § 155; 1973, 1st Sp. Sess., ch. 2, § 1; 1974, ch. 693, §§ 2, 4; 1975, ch. 87; ch. 289, § 2; ch. 583; 1987, ch. 11, § 1; 1991, ch. 222; 1996, ch. 219; 1997, ch. 315; 2006, chs. 13, 15, 16; 2008, ch. 36; 2009, ch. 500, §§ 1, 2; 2010, ch. 448; 2011, ch. 273; 2012, chs. 375, 376; 2014, ch. 158; 2017, ch. 214, § 7; ch. 410; 2018, ch. 806; 2019, chs. 7, 586.)

Effect of amendments. — Chapter 15, Acts 2006, effective February 24, 2006, added “or § 21-809” after “§ 21-202.1” in (e)(1); added “or speed monitoring system” after “signal monitoring system” in the first sentence of (e)(2); added “or a speed monitoring system, in a case contested in District Court,” in the second sentence in (e)(2); and added “or speed monitoring systems” in (e)(3). Chapter 15, Acts 2006, passed over the veto of the Governor in the House on January 24, 2006, and in the Senate on January 25, 2006.

Chapter 448, Acts 2010, effective July 1, 2010, substituted “an Authority highway, as defined in § 21-1401 of the Transportation Article” for “a highway or vehicular crossing” in (b).

Chapter 273, Acts 2011, effective October 1, 2011, added “§ 21-706.1” in the first sentence of (e)(1); twice in (e)(2) and in (e)(3), in the introductory language of (e)(4)(i), and in (e)(4)(i)1

added “or a school bus monitoring camera” or variants; and made related and stylistic changes.

Chapters 375 and 376, Acts 2012, effective October 1, 2012, made identical changes. Each added “or § 24-111.3” in the first sentence of (e)(1); in (e)(2) and (e)(3) added “vehicle height monitoring system” wherever it appears; added (e)(5); and made related and stylistic changes.

Chapter 158, Acts 2014, effective October 1, 2014, substituted “subsections (b) through (g)” for “subsections (b) through (f)” in the introductory language of (a) and added (g).

Chapter 410, Acts 2017, effective October 1, 2017, in (a) updated an internal reference; and added (h).

Chapter 806, Acts 2018, effective October 1, 2018, enacted pursuant to Article II, § 17(c) of the Maryland Constitution without the Governor's signature, substituted “subparagraphs (ii) and (iii)” for “subparagraph (ii)” in (e)(4)(i)2, and added (e)(4)(iii).

Chapter 7, Acts 2019, effective March 27, 2019, enacted pursuant to art. II, § 17(b) of the Maryland Constitution without the Governor's signature, reenacted (e)(4)(iii) without change to correct an error in the purpose paragraph of ch. 607, Acts 2018.

Chapter 7, Acts 2019, effective March 27, 2019, enacted pursuant to art. II, § 17(b) of the Maryland Constitution without the Governor's signature, reenacted (e)(4)(iii) without change to correct an error in the purpose paragraph of ch. 607, Acts 2018.

Chapter 586, Acts 2019, effective June 1, 2019, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor's signature, substituted "speed monitoring systems on" for "a speed monitoring system at the intersection of Old Fort Road and" in (e)(4)(iii).

Editor's note. — Section 3, ch. 15, Acts 2006, provides that "this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract awarded before the effective date of this Act [February 24, 2006]."

Section 4, ch. 15, Acts 2006, provides that "an obligation or contract right existing on the effective date of this Act [February 24, 2006] may not be impaired in any way by this Act."

Section 4 [5], ch. 500, Acts 2009, provides that "this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contract awarded before the effective date of this Act [October 1, 2009]."

Section 5 [6], ch. 500, Acts 2009, provides that "an obligation or contract right existing on the effective date of this Act [October 1, 2009] may not be impaired in any way by this Act."

Section 7, ch. 214, Acts 2017, provides that "the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor's note following the section affected." Pursuant to § 7, ch. 214, Acts 2017, "Maryland Department of Health" was substituted for "Department of Health and Mental Hygiene" in (g)(1) and (g)(2).

Section 2, ch. 410, Acts 2017, provides that "this Act shall take effect October 1, 2017. It shall remain effective for a period of 3 years and, at the end of September 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect."

Section 2, ch. 806, Acts 2018, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor's signature, provides that "on or before January 1, 2023, Prince

George's County shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on:

"(1) the number of speed monitoring citations issued under this Act by month;

"(2) the number of fatal motor vehicle crashes and fatalities by month on Maryland Route 210 during any period during which speed monitoring systems are active; and

"(3) any measurable decreases in the speed of vehicles traveling on Maryland Route 210."

Section 3, ch. 806, Acts 2018, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor's signature, provides that "this Act shall take effect October 1, 2018. It shall remain effective for a period of 5 years and, at the end of September 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect."

Section 2, ch. 586, Acts 2019, provides that "the State Highway Administration, in conjunction with the Prince George's County Department of Public Works and Transportation, shall:

"(1) examine for Maryland Route 210 (Indian Head Highway) in Prince George's County the engineering, infrastructure, and other relevant factors that it determines may contribute to the overabundance of motor vehicle accidents, injuries, and fatalities on the highway; and

"(2) report its findings and recommendations on the most effective solutions to address these motor vehicle accidents, injuries, and fatalities on the highway to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on or before May 31, 2021."

Costs of prosecution assessed against convicted defendant. — The "costs of prosecution" assessed against a convicted defendant are the court costs associated with the criminal case; a defendant who is found not guilty is not liable for costs. Costs are assessed by the court in which the prosecution took place, in accordance with the statutes defining costs and schedules adopted by the State Court administrator. If a defendant fails to pay those costs, the State may collect the unpaid costs from the defendant in the same manner as a civil judgment. Regardless of the outcome of a criminal case, a county is not liable for the costs of the proceeding. Costs are not a fine or part of the penalty for a crime; accordingly, a defendant may not be imprisoned for failure to pay costs. However, payment of costs may be made a condition of probation. Unless the court orders otherwise, a trial court is to include an assessment of "court costs" against the defendant as part of any judgment of conviction, or disposition by probation before judgment, or plea of nolo contendere. 95 Op. Atty. Gen. 123 (Aug. 12, 2010).

Cited in *State v. Cates*, 417 Md. 678, 12 A.3d 116 (2011); *Baker v. Montgomery County*, 427 Md. 691, 50 A.3d 1112 (2012).

TITLE 10.

EVIDENCE.

Subtitle 4. Wiretapping and Electronic Surveillance.

§ 10-402. Interception of communications generally; divulging contents of communications; violations of subtitle.

(a) *Unlawful acts.* — Except as otherwise specifically provided in this subtitle it is unlawful for any person to:

(1) Willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(2) Willfully disclose, or endeavor to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle; or

(3) Willfully use, or endeavor to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subtitle.

(b) *Penalty.* — Any person who violates subsection (a) of this section is guilty of a felony and is subject to imprisonment for not more than 5 years or a fine of not more than \$10,000, or both.

(c) *Lawful acts.* — (1) (i) It is lawful under this subtitle for an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service, except that a provider of wire communications service to the public may not utilize service observing or random monitoring except for mechanical or service quality control checks.

(ii) 1. It is lawful under this subtitle for a provider of wire or electronic communication service, its officers, employees, and agents, landlords, custodians or other persons to provide information, facilities, or technical assistance to persons authorized by federal or State law to intercept wire, oral, or electronic communications or to conduct electronic surveillance, if the provider, its officers, employees, or agents, landlord, custodian, or other specified person has been provided with a court order signed by the authorizing judge directing the provision of information, facilities, or technical assistance.

2. The order shall set forth the period of time during which the provision of the information, facilities, or technical assistance is authorized

and specify the information, facilities, or technical assistance required. A provider of wire or electronic communication service, its officers, employees, or agents, or landlord, custodian, or other specified person may not disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished an order under this subparagraph, except as may otherwise be required by legal process and then only after prior notification to the judge who granted the order, if appropriate, or the State's Attorney of the county where the device was used. Any such disclosure shall render the person liable for compensatory damages. No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order under this subtitle.

(2) (i) This paragraph applies to an interception in which:

1. The investigative or law enforcement officer or other person is a party to the communication; or

2. One of the parties to the communication has given prior consent to the interception.

(ii) It is lawful under this subtitle for an investigative or law enforcement officer acting in a criminal investigation or any other person acting at the prior direction and under the supervision of an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in order to provide evidence:

1. Of the commission of:

A. Murder;

B. Kidnapping;

C. Rape;

D. A sexual offense in the first or second degree;

E. Child abuse in the first or second degree;

F. Child pornography under § 11-207, § 11-208, or § 11-208.1 of the Criminal Law Article;

G. Gambling;

H. Robbery under § 3-402 or § 3-403 of the Criminal Law Article;

I. A felony under Title 6, Subtitle 1 of the Criminal Law Article;

J. Bribery;

K. Extortion;

L. Dealing in a controlled dangerous substance, including a violation of § 5-617 or § 5-619 of the Criminal Law Article;

M. A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;

N. An offense relating to destructive devices under § 4-503 of the Criminal Law Article;

O. A human trafficking offense under Title 3, Subtitle 11 of the Criminal Law Article;

P. Sexual solicitation of a minor under § 3-324 of the Criminal Law Article;

Q. An offense relating to obstructing justice under § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;

R. Sexual abuse of a minor under § 3-602 of the Criminal Law Article;

S. A theft scheme or continuing course of conduct under § 7-103(f) of the Criminal Law Article involving an aggregate value of property or services of at least \$10,000;

T. Abuse or neglect of a vulnerable adult under § 3-604 or § 3-605 of the Criminal Law Article;

U. An offense relating to Medicaid fraud under §§ 8-509 through 8-515 of the Criminal Law Article;

V. An offense involving a firearm under § 5-134, § 5-136, § 5-138, § 5-140, § 5-141, or § 5-144 of the Public Safety Article; or

W. A conspiracy or solicitation to commit an offense listed in items A through V of this item; or

2. If:

A. A person has created a barricade situation; and

B. Probable cause exists for the investigative or law enforcement officer to believe a hostage or hostages may be involved.

(3) It is lawful under this subtitle for a person to intercept a wire, oral, or electronic communication where the person is a party to the communication and where all of the parties to the communication have given prior consent to the interception unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this State.

(4) (i) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral communication if:

1. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;

2. The law enforcement officer is a party to the oral communication;

3. The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;

4. The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and

5. The oral interception is being made as part of a video tape recording.

(ii) If all of the requirements of subparagraph (i) of this paragraph are met, an interception is lawful even if a person becomes a party to the communication following:

1. The identification required under subparagraph (i)3 of this paragraph; or

2. The informing of the parties required under subparagraph (i)4 of this paragraph.

(5) It is lawful under this subtitle for an officer, employee, or agent of a governmental emergency communications center to intercept a wire, oral, or electronic communication where the officer, agent, or employee is a party to a conversation concerning an emergency.

(6) (i) It is lawful under this subtitle for law enforcement personnel to utilize body wires to intercept oral communications in the course of a criminal investigation if there is reasonable cause to believe that a law enforcement officer's safety may be in jeopardy.

(ii) Communications intercepted under this paragraph may not be recorded, and may not be used against the defendant in a criminal proceeding.

(7) It is lawful under this subtitle for a person:

(i) To intercept or access an electronic communication made through an electronic communication system that is configured so that the electronic communication is readily accessible to the general public;

(ii) To intercept any radio communication that is transmitted:

1. By any station for the use of the general public, or that relates to ships, aircraft, vehicles, or persons in distress;

2. By any governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the general public;

3. By a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or general mobile radio services; or

4. By any marine or aeronautical communications system;

(iii) To intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of the interference; or

(iv) For other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of the system, if the communication is not scrambled or encrypted.

(8) It is lawful under this subtitle:

(i) To use a pen register or trap and trace device as defined under § 10-4B-01 of this title; or

(ii) For a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect the provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful, or abusive use of the service.

(9) It is lawful under this subtitle for a person to intercept a wire or electronic communication in the course of a law enforcement investigation of possible telephone solicitation theft if:

(i) The person is an investigative or law enforcement officer or is acting under the direction of an investigative or law enforcement officer; and

(ii) The person is a party to the communication and participates in the communication through the use of a telephone instrument.

(10) It is lawful under this subtitle for a person to intercept a wire, oral, or electronic communication in the course of a law enforcement investigation in order to provide evidence of the commission of vehicle theft if:

(i) The person is an investigative or law enforcement officer or is acting under the direction of an investigative or law enforcement officer; and

(ii) The device through which the interception is made has been placed within a vehicle by or at the direction of law enforcement personnel under circumstances in which it is thought that vehicle theft may occur.

(11) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Body-worn digital recording device” means a device worn on the person of a law enforcement officer that is capable of recording video and intercepting oral communications.

3. “Electronic control device” has the meaning stated in § 4-109 of the Criminal Law Article.

(ii) It is lawful under this subtitle for a law enforcement officer in the course of the officer’s regular duty to intercept an oral communication with a body-worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer is in uniform or prominently displaying the officer’s badge or other insignia;

2. The law enforcement officer is making reasonable efforts to conform to standards in accordance with § 3-511 of the Public Safety Article for the use of body-worn digital recording devices or electronic control devices capable of recording video and oral communications;

3. The law enforcement officer is a party to the oral communication;

4. Law enforcement notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

5. The oral interception is being made as part of a videotape or digital recording.

(iii) Failure to notify under subparagraph (ii)4 of this paragraph does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined a discussion in progress for which proper notification was previously given.

(d) *Divulging contents of communications.* — (1) Except as provided in paragraph (2) of this subsection, a person or entity providing an electronic communication service to the public may not intentionally divulge the contents of any communication (other than one to the person or entity providing the service, or an agent of the person or entity) while in transmission on that service to any person or entity other than an addressee or intended recipient of the communication or an agent of the addressee or intended recipient.

(2) A person or entity providing electronic communication service to the public may divulge the contents of a communication:

(i) As otherwise authorized by federal or State law;

(ii) To a person employed or authorized, or whose facilities are used, to forward the communication to its destination; or

(iii) That were inadvertently obtained by the service provider and that appear to pertain to the commission of a crime, if the divulgence is made to a law enforcement agency.

(e) *Violations of subsection (d).* — (1) Except as provided in paragraph (2) of this subsection or in subsection (f) of this section, a person who violates

subsection (d) of this section is subject to a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both.

(2) If an offense is a first offense under paragraph (1) of this subsection and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, and the wire or electronic communication with respect to which the offense occurred is a radio communication that is not scrambled or encrypted, and:

(i) The communication is not the radio portion of a cellular telephone communication, a public land mobile radio service communication, or a paging service communication, the offender is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both; or

(ii) The communication is the radio portion of a cellular telephone communication, a public land mobile radio service communication, or a paging service communication, the offender is subject to a fine of not more than \$500.

(3) Unless the conduct is for the purpose of direct or indirect commercial advantage or private financial gain, conduct which would otherwise be an offense under this subsection is not an offense under this subsection if the conduct consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted:

(i) To a broadcasting station for purposes of retransmission to the general public; or

(ii) As an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls.

(f) *Violations of subtitle.* — (1) A person who engages in conduct in violation of this subtitle is subject to suit by the federal government or by the State in a court of competent jurisdiction, if the communication is:

(i) A private satellite video communication that is not scrambled or encrypted and the conduct in violation of this subtitle is the private viewing of that communication, and is not for a tortious or illegal purpose, or for purposes of direct or indirect commercial advantage, or private commercial gain; or

(ii) A radio communication that is transmitted on frequencies allocated under Subpart D of Part 74 of the Rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this subtitle is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain.

(2) (i) The State is entitled to appropriate injunctive relief in an action under this subsection if the violation is the person's first offense under subsection (e)(1) of this section and the person has not been found liable in a prior civil action under § 10-410 of this subtitle.

(ii) In an action under this subsection, if the violation is a second or subsequent offense under subsection (e)(1) of this section or if the person has been found liable in a prior civil action under § 10-410 of this subtitle, the person is subject to a mandatory civil fine of not less than \$500.

(3) The court may use any means within its authority to enforce an injunction issued under paragraph (2)(i) of this subsection, and shall impose a civil fine of not less than \$500 for each violation of an injunction issued under paragraph (2)(i) of this subsection. (An. Code 1957, art. 35, §§ 93, 99; 1973, 1st

Sp. Sess., ch. 2, § 1; 1977, ch. 692, §§ 2, 3; 1978, ch. 339; 1984, ch. 442; 1985, ch. 509; 1986, chs. 660, 743; 1988, ch. 607; 1989, ch. 5, § 1; ch. 527; 1992, ch. 140; 1994, ch. 105, § 1; 1997, ch. 70, § 4; ch. 343; 1998, chs. 493, 524; 2000, ch. 288; 2002, ch. 107; ch. 213, § 6; 2004, chs. 285, 539; 2005, ch. 25, § 1; chs. 421, 491; 2006, ch. 44, § 6; ch. 300; 2011, chs. 54, 55; 2012, ch. 369; 2013, chs. 38, 39; ch. 43, § 5; 2015, ch. 22, § 5; chs. 128, 129; 2018, ch. 145; 2019, ch. 21, § 2; ch. 22, § 2; ch. 521.)

- I. General Consideration.
- II. Construction with Federal Law.
- III. Procedure and Elements.
 - A. In General.
 - B. Willfulness.
 - C. Exceptions.
 - D. Consent.

I. GENERAL CONSIDERATION.

Effect of amendments. — Chapters 54 and 55, Acts 2011, effective October 1, 2011, made identical changes. Each added (c)(2)(ii)1O and redesignated accordingly; and in (c)(2)(ii)1S substituted “items A through R” for “items A through Q.”

Chapter 369, Acts 2012, effective October 1, 2012, added (c)(2)(ii)1S and redesignated accordingly; in (c)(2)(ii)1T substituted “items A through S” for “items A through R”; and made a related change.

Chapters 38 and 39, Acts 2013, effective October 1, 2013, made identical changes. Each added (c)(2)(ii)1T and (c)(2)(ii)1U and redesignated accordingly; in (c)(2)(ii)1V substituted “items A through U” for “items A through S”; and made a related change.

Chapters 128 and 129, Acts 2015, approved May 12, 2015, and effective from date of enactment, made identical changes. Each added (c)(11).

Chapter 145, Acts 2018, effective June 1, 2018, added (c)(2)(ii)1V and redesignated accordingly and update internal references in (c)(2)(ii)1W; and made related changes.

Section 2, chs. 21 and 22, Acts 2019, effective October 1, 2019, made identical changes. Each substituted “Title 3, Subtitle 11” for “§ 11-303” in (c)(2)(ii)1O.

Chapter 521, Acts 2019, effective October 1, 2019, reenacted (a) without change and added (c)(11)(iii).

Editor’s note. — Section 5, ch. 43, Acts 2013, provides that “the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General

Assembly. The publishers shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 5, ch. 43, Acts 2013, “purposes” was substituted for “purpose” in (f)(1)(ii).

Section 5, ch. 22, Acts 2015, provides that “the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 5, ch. 22, Acts 2015, “§ 3-511 of the Public Safety Article” was substituted for “§ 3-510 of the Public Safety Article” in (c)(11)(ii)2, following the redesignation of the section due to multiple enactments by chs. 126, 128, and 129, Acts 2015.

Section 3, chs. 128 and 129, Acts 2015, provides that:

“(1) A jurisdiction that commences a pilot program for the use of body-worn cameras or electronic control devices before the issuance of a policy established in accordance with § 3-510 of the Public Safety Article is not subject to § 10-402(c)(11)(ii)2 of the Courts and Judicial Proceedings Article for the duration of the pilot program.

“(2) On the conclusion of a pilot program described in this section, a jurisdiction’s fully implemented program shall conform to § 10-402(c)(11)(ii)2 of the Courts and Judicial Proceedings Article.”

Section 4, chs. 128 and 129, Acts 2015, provides that “a jurisdiction that has established a program to use body-worn cameras or electronic devices on or before the date this Act becomes effective is not subject to § 10-402(c)(11)(ii)2 of the Courts and Judicial Pro-

ceedings Article until a policy is issued in accordance with § 3-510 of the Public Safety Article.”

Chapters 21, 22, and 521, Acts 2019, amended (c). None of the chapters referred to the others, and effect has been given to all, as they affected different portions of (c).

Maryland Law Review. — For note, “The Installation and Use of a Pen Register Does Not Constitute a Fourth Amendment ‘Search,’” see 38 Md. L. Rev. 767 (1979).

For article, “Survey of Developments in Maryland Law, 1984-85,” see 45 Md. L. Rev. 634 (1986).

For note, “Ricks v. State: Big Brother Has Arrived in Maryland,” see 48 Md. L. Rev. 435 (1989).

For note, “The Maryland Survey: 2000-2001: Recent Decisions; IX. Statutory Interpretation,” see 61 Md. L. Rev. 1006 (2002).

University of Baltimore Law Review. — For article “A Bug in the Bugging Statute,” see 2 U. Balt. L. Rev. 76 (1972).

For note, “The 1977 Maryland Wiretapping and Electronic Surveillance Act,” see 7 U. Balt. L. Rev. 374 (1978).

For article, “A Diagnosis, Dissection, and Prognosis of Maryland’s New Wiretap and Electronic Surveillance Law,” see 8 U. Balt. L. Rev. 183 (1979).

For article, “The Law Enforcement Officers’ Privilege Against Compelled Self-Incrimination,” see 16 U. Balt. L. Rev. 452 (1987).

For an article, “Body-Worn Cameras: The Implementation of Both the Police Department’s Rollout of Cameras and the State’s Attorney’s Office’s Processing of Data for Discovery,” see 47 U. Balt. L. Rev. 379 (2018).

University of Baltimore Law Forum. — For discussion of judicial approval of jailhouse plants, see 16, No. 2 U. Balt. Law Forum 17 (1986).

For article on permanent injunction against “chilling” Fifth Amendment rights, see 17, No. 3 U. Balt. Law Forum 3 (1987).

For a comment, “Citizen Journalists and the Right to Gather News: Why Maryland Needs to Acknowledge a First Amendment Right to Record the Police,” see 44 U. Balt. L. F. 135 (2014).

For a 2016 development, “Seal v. State: Pursuant To § 10-402(c)(2)’s Exception to the Wiretap Ban, an Individual Is Not Under the Supervision of an Investigative or Law Enforcement Officer When Intercepting an Oral Communication, Absent Restrictions on Equipment Use and Some Subsequent Contact,” see 47 U. Balt. L. F. 70 (2016).

Constitutionality. — For discussion of the constitutionality of interception of communications under the Fourth Amendment of the federal Constitution, see *State v. Siegel*, 266 Md. 256, 292 A.2d 86 (1972).

A judicially approved interception of communications is constitutionally permissible if issued and conducted under the rigid controls of the Fourth Amendment to the Constitution of the United States. *State v. Graziano*, 17 Md. App. 276, 301 A.2d 36 (1973).

The federal act (18 U.S.C. § 2510 et seq.) is valid and constitutional, does not violate the Fourth Amendment to the United States Constitution and may be properly implemented in Maryland by this subtitle. *State v. Siegel*, 266 Md. 256, 292 A.2d 86 (1972); *Washburn v. State*, 19 Md. App. 187, 310 A.2d 176 (1973).

This subtitle is constitutional. *United States v. Webster*, 473 F. Supp. 586 (D. Md. 1979), aff’d, 639 F.2d 174 (4th Cir.), cert. denied, 454 U.S. 857, 102 S. Ct. 307, 7 L. Ed. 2d 152 (1981), modified on other grounds, 669 F.2d 185 (4th Cir. 1982), overruled on other grounds, *United States v. Ricks*, 776 F.2d 455 (4th Cir. 1985).

Pre-interception violations conflict with the Fourth Amendment. *Baldwin v. State*, 45 Md. App. 378, 413 A.2d 246 (1980), aff’d, 289 Md. 635, 426 A.2d 916, cert. denied, 454 U.S. 852, 102 S. Ct. 295, 70 L. Ed. 2d 144 (1981).

Use of electronic devices to intercept conversation is search. — Conversation is within the ambit of Fourth Amendment protection and the use of electronic and wiretapping devices to intercept it is a search within the meaning of that amendment. *State v. Graziano*, 17 Md. App. 276, 301 A.2d 36 (1973); *Whack v. State*, 94 Md. App. 107, 615 A.2d 1226 (1992), cert. denied, 330 Md. 156, 622 A.2d 1196 (1993).

Purpose of subtitle. — One of the clear purposes of this subtitle is to prevent, in non-criminal situations, the unauthorized interception of conversations where one of the parties has a reasonable expectation of privacy. *Benford v. ABCs*, 554 F. Supp. 145 (D. Md. 1982).

Use of extension phone. — The General Assembly did not intend to make use of extension phone a felony. *Adams v. State*, 289 Md. 221, 424 A.2d 344 (1981).

Applied in *Aud v. State*, 72 Md. App. 508, 531 A.2d 706 (1987), cert. denied, 311 Md. 557, 536 A.2d 664 (1988); *Fearnov v. C & P Tel. Co.*, 342 Md. 363, 676 A.2d 65 (1996); *Davis v. State*, 199 Md. App. 273, 21 A.3d 181 (2011).

Quoted in *Hill v. State*, 418 Md. 62, 12 A.3d 1193 (2011).

Stated in *Battaglia v. State*, 119 Md. App. 349, 705 A.2d 36 (1998).

Cited in *Howard v. State*, 51 Md. App. 46, 442 A.2d 176 (1982); *State v. Mazzone*, 336 Md. 379, 648 A.2d 978 (1994); *Freedman v. Comcast Corp.*, 190 Md. App. 179, 988 A.2d 68 (2010); *Davis v. State*, 426 Md. 211, 43 A.3d 1044 (2012); *Williams v. State*, 220 Md. App. 27, 102 A.3d 814 (2014); *ACLU Found. of Md. v. Leopold*, 223 Md. App. 97, 115 A.3d 649 (2015);

Washington v. State, 450 Md. 319, 148 A.3d 341 (2016).

II. CONSTRUCTION WITH FEDERAL LAW.

Former Maryland Wiretapping Act not conflicting. — The former Maryland Wiretapping Act did not conflict with the Federal Communications Act, because the State act simply excluded evidence obtained in violation of the State statute, which would have otherwise been admissible notwithstanding the federal act. *Robert v. State*, 220 Md. 159, 151 A.2d 737 (1959).

State standards may be stricter. — State may establish stricter wiretap standards than federal wiretapping act mandates. *United States v. Curreri*, 388 F. Supp. 607 (D. Md. 1974).

The federal wiretap act, in strictly regulating the use by federal and state law enforcement officials of the techniques of electronic surveillance, allows states, which choose by legislative action so to do, to conduct wiretaps provided they are conducted in accord with minimum federal standards, unless the state legislature determines to adopt more strict standards in which event the more strict state standards apply. *United States v. Curreri*, 388 F. Supp. 607 (D. Md. 1974).

State may not utilize less restrictive standards. — See *United States v. Curreri*, 388 F. Supp. 607 (D. Md. 1974).

Dissemination of fruits of covert recordings to National Labor Relations Board does not automatically open umbrella of protection under federal act. — The assertion that the electronic interception was a necessary means to marshal supporting evidence for a grievance action falls sorely short of constituting the “arguable protection” of *San Diego Bldg. Trade Council v. Garmon*, 359 U.S. 236, 79 S. Ct. 773, 3 L. Ed. 2d 775 (1959). *Petric v. State*, 66 Md. App. 470, 504 A.2d 1168, cert. denied, 479 U.S. 860, 107 S. Ct. 206, 93 L. Ed. 2d 136 (1986).

Subtitle closely parallels federal act. — This subtitle closely parallels Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. §§ 2510-2520. *Smith v. State*, 283 Md. 156, 389 A.2d 858 (1978), aff’d, 442 U.S. 735, 99 S. Ct. 2577, 61 L. Ed. 2d 220 (1979); *Adams v. State*, 43 Md. App. 528, 406 A.2d 637 (1979), aff’d, 289 Md. 221, 424 A.2d 344 (1980).

This subtitle is strikingly similar to its federal counterpart. *State v. Mayes*, 284 Md. 625, 399 A.2d 597 (1979).

This subtitle is an offspring of the Federal Omnibus Crime Control and Safe Streets Act of 1968. *State v. Bailey*, 289 Md. 143, 422 A.2d 1021 (1980), superseded by statute on other

grounds, *McNeil v. State*, 112 Md. App. 434, 685 A.2d 839 (1996).

This subtitle is modeled upon the federal act, 18 U.S.C. §§ 2510-2520, and extensively tracks its provisions. *Wood v. State*, 290 Md. 579, 431 A.2d 93 (1981).

It is apparent that the General Assembly adopted substantially all of the language in Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. §§ 2510-2520, with minor modifications, in enacting this subtitle. *Benford v. ABCs*, 554 F. Supp. 145 (D. Md. 1982).

Subtitle guarantees greater protection than that afforded by Congress. — This subtitle as written guarantees to the people of Maryland, insofar as the State, itself, is concerned, greater protection from surreptitious eavesdropping and wiretapping than that afforded the people by the Congress. *Wood v. State*, 290 Md. 579, 431 A.2d 93 (1981).

While this subtitle is modeled upon the federal act and extensively tracks its provisions, the General Assembly has made some of the provisions of the State act more restrictive than the federal law. *Wood v. State*, 290 Md. 579, 431 A.2d 93 (1981); *Petric v. State*, 66 Md. App. 470, 504 A.2d 1168, cert. denied, 479 U.S. 860, 107 S. Ct. 206, 93 L. Ed. 2d 136 (1986).

The Maryland Wire and Electronic Surveillance Law is in a number of respects more stringent than its federal counterpart. For example, 18 U.S.C. § 2511(2)(c) permits an interception when one of the parties to the communication has given prior consent; Maryland law, on the other hand, requires prior consent of all parties to the communication. *State v. McGhee*, 52 Md. App. 238, 447 A.2d 888 (1982).

In requiring the prior consent of all parties to a conversation in order for any interception or recording thereof to be lawful, the State wiretap statute provides privacy safeguards more substantial than those ensured by the federal statute or the State constitution. *Derry v. State*, 358 Md. 325, 748 A.2d 478 (2000).

The Maryland Wiretapping and Electronic Surveillance Act, § 10-401 et seq. of this article, provides broader protection than the Fourth Amendment to the United States Constitution in that it makes it unlawful to willfully use, or endeavor to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of the Act. *Miles v. State*, 365 Md. 488, 781 A.2d 787 (2001), cert. denied, 534 U.S. 1163, 122 S. Ct. 1175, 152 L. Ed. 2d 118 (2002).

Guidance from interpretation of federal act. — Because the drafters of this subtitle so carefully tracked the federal act, court decisions interpreting that legislation are looked to for guidance in construing this subtitle. Bald-

win v. State, 45 Md. App. 378, 413 A.2d 246 (1980), *aff'd*, 289 Md. 635, 426 A.2d 916, cert. denied, 454 U.S. 852, 102 S. Ct. 295, 70 L. Ed. 2d 144 (1981).

Court bound by federal guidelines. — In construing this subtitle, the court must ensure that its interpretation does not fall below federal guidelines. *State v. Bailey*, 289 Md. 143, 422 A.2d 1021 (1980), superseded by statute on other grounds, *McNeil v. State*, 112 Md. App. 434, 685 A.2d 839 (1996).

Legislative design in alterations of federal act. — The alterations to the federal wiretap act that were made by the General Assembly before enacting this subtitle into law were obviously designed to afford to the people of Maryland a greater protection than Congress had provided in the Omnibus Crime Control and Safe Streets Act of 1968. *Baldwin v. State*, 45 Md. App. 378, 413 A.2d 246 (1980), *aff'd*, 289 Md. 635, 426 A.2d 916, cert. denied, 454 U.S. 852, 102 S. Ct. 295, 70 L. Ed. 2d 144 (1981).

III. PROCEDURE AND ELEMENTS.

A. In General.

Burden of proof. — The allocation of the various burdens of proof should remain the same under the Maryland Electronic Surveillance Act regardless of whether the proceeding is in the criminal or civil arena. *Kassap v. Seitz*, 315 Md. 155, 553 A.2d 714 (1989).

Once the defendant produces legally sufficient evidence of compliance with (c)(2) to raise it as a triable issue, it would be incumbent upon the State, in a criminal proceeding, or upon the plaintiff in a civil proceeding, to persuade the jury otherwise. *Kassap v. Seitz*, 315 Md. 155, 553 A.2d 714 (1989).

Presumption as to proper performance of duties. — The requirement of a court order is but one way to conduct a lawful interception of a wire or oral communication under the Act; accordingly, the Maryland Wiretap Act does not void the presumption afforded public officials in Maryland that they perform their duties properly within the law. *Fearnow v. C & P Tel. Co.*, 104 Md. App. 1, 655 A.2d 1 (1995), *rev'd* on other grounds, 342 Md. 363, 676 A.2d 65 (1996).

Expectation of privacy questions decided on case-by-case basis. — Questions concerning expectation of privacy can only be decided on a case-by-case basis, a fact which does not in itself make the controlling statute vague or unclear. *Benford v. ABCs*, 554 F. Supp. 145 (D. Md. 1982).

No requirement police disclose recording for it to be admissible. — Trial court did not err in allowing the jury to view, and admitting into evidence, the DVD recordings of the three interviews defendant gave to police, because police were not required to ask for or receive permission from defendant before re-

ording interviews in the police interrogation room, and their failure to do so did not imply a due process violation. *Donaldson v. State*, 200 Md. App. 581, 28 A.3d 129 (2011).

Rule of reason. — Rule of reason controls questions concerning expectation of privacy, which, by their nature, are imprecise. *Benford v. ABCs*, 554 F. Supp. 145 (D. Md. 1982).

Disclosure of police suspicions. — Because the wiretap law imposes no duty to safeguard against disclosing police suspicions about defendant and any resulting investigation, defendant's claim for injury to reputation and related emotional distress could not be sustained under the guise of actual damages proximately caused by a violation of the Maryland Wiretap Act. *Fearnow v. C & P Tel. Co.*, 104 Md. App. 1, 655 A.2d 1 (1995), *rev'd* on other grounds, 342 Md. 363, 676 A.2d 65 (1996).

State not required to show risk to public safety. — Admission of a recorded statement did not violate the Maryland Wiretapping and Electronic Surveillance Act, under this subtitle, because the State was not required to show that there existed a risk to public safety at the time of the recording. *Pryor v. State*, 195 Md. App. 311, 6 A.3d 343 (2010).

Requirements of (c)(2). — Subsection (c)(2) does not require the target of an investigation to have actually been adjudged guilty of committing one of its enumerated crimes, and police detective who was investigating allegation that a teacher committed child abuse by engaging in consensual sex with a 14-year old student lawfully intercepted a telephone communication between the teacher and the student after he obtained the student's consent and her mother's consent to do so. *Anderson v. State*, 142 Md. App. 498, 790 A.2d 732 (2002).

Evidence of commission of certain offenses. — Orders for wiretapping may be entered when the interception of wire or oral communications may provide evidence of the commission of the offenses of murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, or any conspiracy to commit any of those offenses. *Pennington v. State*, 19 Md. App. 253, 310 A.2d 817 (1973), cert. denied, 419 U.S. 1019, 95 S. Ct. 492, 42 L. Ed. 2d 292 (1974).

Recording of audio portion of videotaped encounter by officer. — An officer who follows the police department policy for recording the audio portion of a videotaped encounter with a citizen would satisfy the criteria for lawful interception of oral communications under the State Wiretap Act, and the officer who inadvertently makes a recording would not violate subsection (a) of this section. 85 Op. Att'y Gen. 225 (Aug. 11, 2000).

Suppression of evidence intercepted by federal officials not warranted merely because they are not State officers. — So long

as federal officials conducting a federal investigation comply with the applicable standards (State and federal) when intercepting oral or wire communications, suppression of the fruits of their investigation solely because they are not State “investigative or law enforcement officers” is unwarranted. *Sanders v. State*, 57 Md. App. 156, 469 A.2d 476, cert. denied, 299 Md. 656 (1984).

Suppression not required. — Text messages retrieved from a victim’s cell phone were admissible in defendant’s murder prosecution because (1) police did not “intercept” the messages, since the messages were stored in the phone, and (2) the phone was not a “device,” under Md. Code Ann., Cts. & Jud. Proc. § 10-401(3). *Martin v. State*, 218 Md. App. 1, 96 A.3d 765 (2014), cert. denied, 440 Md. 463, 103 A.3d 594, 2014 Md. LEXIS 810 (2014).

Surreptitious recording of incarcerated defendant and defendant’s acquaintance admissible. — In a murder prosecution, admission of tapes of the defendant’s conversation with an acquaintance while the defendant was incarcerated and the acquaintance wore a body wire did not violate this section or federal wiretap statutes, was not unconstitutional because the defendant had no justifiable expectation of privacy, and no Miranda warnings were required because the conversation did not amount to custodial interrogation. *Hamilton v. State*, 62 Md. App. 603, 490 A.2d 763, cert. denied, 303 Md. 682 (1985).

Surreptitious recording of child sexual abuse victim excluded. — Trial court did not err under subsection (a) in excluding, under the Maryland Wiretap Act, a recording made by the mother of an eight-year-old sexual abuse victim in a criminal trial of defendant, who was the mother’s boyfriend, as the mother used her cell phone surreptitiously to secretly record her face-to-face conversation with the child. *Holmes v. State*, 236 Md. App. 636, 182 A.3d 341 (2018).

Jury instructions. — Police officers were public officials and, consequently, the circuit court’s instruction that a presumption exists that “public officers properly performed their duties and did what the law required of them,” was a correct statement of the law and properly warranted by the evidence presented at trial. *Fearnow v. C & P Tel. Co.*, 104 Md. App. 1, 655 A.2d 1 (1995), rev’d on other grounds, 342 Md. 363, 676 A.2d 65 (1996).

B. Willfulness.

Knowledge of the act required for intentional violation. — Violation of the Maryland Wiretap Act requires willfulness on behalf of the alleged violator, and willfulness is defined as either an intentional violation or a reckless disregard of a known legal duty or when the

law makes knowledge of some requirement an element of the offense. It is totally incorrect to say that ignorance of such law is no excuse or that everyone is presumed to know such law. *Hawes v. Carberry*, 103 Md. App. 214, 653 A.2d 479 (1995).

“Willfully” defined. — The willfulness standard is identical in civil and criminal cases brought under the 1977 Maryland Wiretapping and Electronic Act and the term “willfully,” when used in the criminal context, means more than intentional or voluntary; it denotes either an intentional violation or a reckless disregard of a known legal duty. *Benford v. ABC*, 649 F. Supp. 9 (D. Md. 1986).

Where evidence demonstrated that victim’s former husband, co-conspirator with defendant, routinely taped all or most of his telephone conversations and that he retained those tapes, re-recording the conversations onto larger cassette tapes, the record showed that his interception of a conversation with defendant was willful and unlawful. *Perry v. State*, 357 Md. 37, 741 A.2d 1162 (1999).

For purposes of (a) an interception that is not otherwise specifically authorized is done willfully if it is done intentionally or purposely. That excludes interceptions arising from inadvertence or simple negligence, which may occur in a variety of ways. *Deibler v. State*, 365 Md. 185, 776 A.2d 657 (2001).

Defendant was properly convicted of a violation of the Maryland Wiretap Law, (a)(1) because the willfulness requirement did not require knowledge on defendant’s part that his action was unlawful, and defendant intentionally and deliberately intercepted an oral communication by placing a recording device in a bathroom in order to spy on a friend’s aunt. *Deibler v. State*, 365 Md. 185, 776 A.2d 657 (2001).

Knowledge of expectation of privacy. — Because defendant’s telephone conversations were wire communications under this section, defendant’s reasonable expectation of privacy in those telephone conversations, and telephone repairman’s knowledge of that expectation of privacy, should have been irrelevant to the jury’s determination of telephone repairman’s willfulness. *Fearnow v. C & P Tel. Co.*, 104 Md. App. 1, 655 A.2d 1 (1995), rev’d on other grounds, 342 Md. 363, 676 A.2d 65 (1996).

Duty to inquire. — Whether telephone repairman had a legal duty to inquire into the police officers’ authorization, i.e., court order, to conduct the wiretap is but a factor for the jury to consider in making its determination of willfulness. *Fearnow v. C & P Tel. Co.*, 104 Md. App. 1, 655 A.2d 1 (1995), rev’d on other grounds, 342 Md. 363, 676 A.2d 65 (1996).

No willfulness when third party added to prison call. — Detention center did not willfully intercept a telephone conversation be-

tween defendant's incarcerated brother and defendant, which happened during an originally placed call when the brother's girlfriend added defendant to the call; in the absence of proof that the detention center violated (a)(1) by recording the call in question, the recording was not inadmissible. *Boston v. State*, 235 Md. App. 134, 175 A.3d 836 (2017).

C. Exceptions.

Video surveillance. — Video surveillance of suspected criminal activity is not proscribed or regulated by the Maryland Wiretap and Electronic Surveillance Act. *Ricks v. State*, 70 Md. App. 287, 520 A.2d 1136 (1987), *aff'd*, 312 Md. 11, 537 A.2d 612, *cert. denied*, 488 U.S. 832, 109 S. Ct. 90, 102 L. Ed. 2d 66 (1988).

Legality of video surveillance was not directly controlled by the provisions of this subtitle, which regulates only the interception of oral and wire communications. *Ricks v. State*, 312 Md. 11, 537 A.2d 612, *cert. denied*, 488 U.S. 832, 109 S. Ct. 90, 102 L. Ed. 2d 66 (1988).

No violation when recording equipment used to monitor calls for quality. — Defendant insurance fund did not violate the Maryland Wiretapping and Electronic Surveillance Act because the insurance fund's use of recording equipment to monitor the quality of telephone calls was in the ordinary course of business, and it fell within an exception to the Maryland Wiretapping and Electronic Surveillance Act.

When interception by private person is authorized. — The thrust of the State wiretap law is that no conversation may be willfully taped unless specifically allowed, and (c)(3) is the only provision that would allow a private person, not acting as a government agent in conformance with a court order, or as an employee of a communication company, to intercept a wire communication. *Perry v. State*, 357 Md. 37, 741 A.2d 1162 (1999).

Not acting under supervision of officer. — Trial court erred in denying defendant's motion to suppress a recorded phone call between himself and his alleged rape victim because the latter was not acting "under the supervision" of a detective under this section's exception to the wiretap ban when he recorded the call, as the detective simply handed him a recorder, with no instructions or limitations, to take home to West Virginia and use at his pleasure to tape conversations with defendant. *Seal v. State*, 447 Md. 64, 133 A.3d 1162 (2016).

In order for this section's "supervision exception" to the wiretap prohibition to apply, law enforcement need not be present or listening remotely at the time of the recordings, and a two-week gap between communications when the police are supervising a person who is taping conversations does not per se invalidate

the exception. *Seal v. State*, 447 Md. 64, 133 A.3d 1162 (2016).

No co-conspirator exception to exclusionary rule. — There is nothing in the State wiretap law, either in its wording or in its legislative history, suggesting an intent by the legislature to preclude any other party to an intercepted conversation from invoking the exclusionary rule on the ground that he was a co-conspirator with the person who unlawfully recorded the conversation. *Perry v. State*, 357 Md. 37, 741 A.2d 1162 (1999).

Communications between spouses. — Since there is no express exception for nonconsensual electronic surveillance between spouses, nor any indication that the General Assembly intended to imply such an exception, there is no exception for the interception of communications of spouses. *Standiford v. Standiford*, 89 Md. App. 326, 598 A.2d 495 (1991), *cert. denied*, 325 Md. 526, 601 A.2d 1101 (1992).

Pen register surveillance. — Pen register surveillance is not a search within the Fourth Amendment and a warrant is not required to install such a device. *Smith v. State*, 283 Md. 156, 389 A.2d 858 (1978), *aff'd*, 442 U.S. 735, 99 S. Ct. 2577, 61 L. Ed. 2d 220 (1979).

There is no constitutionally protected reasonable expectation of privacy in the numbers dialed into a telephone system, and hence no search within the Fourth Amendment is implicated by the use of a pen register installed upon police request at the central offices of a telephone company. *Smith v. State*, 283 Md. 156, 389 A.2d 858 (1978), *aff'd*, 442 U.S. 735, 99 S. Ct. 2577, 61 L. Ed. 2d 220 (1979).

The installation of a pen register upon the request of the police at the central offices of a telephone company to record the phone numbers of outgoing calls made from the suspect's residence telephone did not constitute the "interception" of a telephonic communication in violation of this section. *Smith v. State*, 283 Md. 156, 389 A.2d 858 (1978), *aff'd*, 442 U.S. 735, 99 S. Ct. 2577, 61 L. Ed. 2d 220 (1979).

Because a pen register is not a device which "intercepts" a telephonic communication, pen register evidence need not be suppressed as an illegal derivative use of recorded telephone conversations. *Smith v. State*, 283 Md. 156, 389 A.2d 858 (1978) 442 U.S. 735, 99 S. Ct. 2577, 61 L. Ed. 2d 220 (1979).

D. Consent.

Reasonable grounds to believe that a defendant had committed a crime. — Police officer who taped a telephone conversation between the defendant and the defendant's victim clearly had reasonable grounds to believe that the defendant had committed child abuse; therefore, the recording was lawful, and the

defendant's motion to suppress was properly denied, as the victim and the victim's mother consented to the electronic monitoring of the telephone call between the defendant and the victim. *Anderson v. State*, 372 Md. 285, 812 A.2d 1016 (2002).

Consent by all participants to recording. — There is no requirement in this section that consent to a recording must be given by all participants in the conversation. *Smith v. State*, 283 Md. 156, 389 A.2d 858 (1978), *aff'd*, 442 U.S. 735, 99 S. Ct. 2577, 61 L. Ed. 2d 220 (1979).

Plaintiff failed to show that defendant knew it was illegal to tape proceedings without the consent of all parties. *Earley v. Smoot*, 846 F. Supp. 451 (D. Md. 1994).

A communication intercepted without the consent of all parties to the conversation, unless the interception was otherwise authorized under the State wiretap statute, is inadmissible in evidence. *Perry v. State*, 357 Md. 37, 741 A.2d 1162 (1999).

Consent by all participants to "interception." — An "interception" will be lawful only if all of the participants to the communication give their consent to interception. *Adams v. State*, 43 Md. App. 528, 406 A.2d 637 (1979), *aff'd*, 289 Md. 221, 424 A.2d 344 (1980).

Maryland's more restrictive two-party consent provision precludes the admission in evidence of a communication which, although validly intercepted under the law of the District of Columbia, violates Maryland's law. *Mustafa v. State*, 323 Md. 65, 591 A.2d 481 (1991).

Voluntariness of consent. — In contrast to the standard for voluntariness with respect to criminal confessions, the mere fact that the State used promises or inducements to acquire a defendant's consent to search does not, in and of itself, necessarily eviscerate the voluntary

nature of the consent. Only where promises or inducements, or other attendant circumstances, equate to actual duress or coercion may the voluntary nature of the consent be lost. *Whack v. State*, 94 Md. App. 107, 615 A.2d 1226 (1992), *cert. denied*, 330 Md. 156, 622 A.2d 1196 (1993).

Whether consent to permit the police to intercept and record telephone conversations was given freely and voluntarily concerns a question of fact and the trial court's finding will not be set aside unless it was clearly erroneous. *Whack v. State*, 94 Md. App. 107, 615 A.2d 1226 (1992), *cert. denied*, 330 Md. 156, 622 A.2d 1196 (1993).

Admission against consenting party. — When one party to a conversation expressly or implicitly consents to the recording of that conversation, the recording is admissible in evidence against the consenting party even though the other person or persons involved in the conversation were unaware of the interception. *State v. Maddox*, 69 Md. App. 296, 517 A.2d 370 (1986).

Trial court did not err in admitting, under the Wiretap Act, an audio-recorded conversation recovered from defendant's cell phone because defendant knowingly and intentionally recorded himself and another person on his phone, thereby deliberately violating the Act, and defendant lacked a reasonable expectation of privacy in his conversation with the unidentified person. *Agnew v. State*, 461 Md. 672, 197 A.3d 27 (2018).

Legislative restriction on law enforcement officers. — In designating certain offenses whereby one party can consent to interception by a law enforcement agent, the General Assembly has restricted monitoring by investigative or law enforcement officers. *Adams v. State*, 43 Md. App. 528, 406 A.2d 637 (1979), *aff'd*, 289 Md. 221, 424 A.2d 344 (1980).

§ 10-406. Attorney General, State Prosecutor or State's Attorney may apply for order authorizing interception.

(a) *In general.* — The Attorney General, State Prosecutor, or any State's Attorney may apply to a judge of competent jurisdiction, and the judge, in accordance with the provisions of § 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of:

- (1) Murder;
- (2) Kidnapping;
- (3) Rape;
- (4) A sexual offense in the first or second degree;
- (5) Child abuse in the first or second degree;

- (6) Child pornography under § 11-207, § 11-208, or § 11-208.1 of the Criminal Law Article;
- (7) Gambling;
- (8) Robbery under § 3-402 or § 3-403 of the Criminal Law Article;
- (9) A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- (10) Bribery;
- (11) Extortion;
- (12) Dealing in a controlled dangerous substance, including a violation of § 5-617 or § 5-619 of the Criminal Law Article;
- (13) A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;
- (14) An offense relating to destructive devices under § 4-503 of the Criminal Law Article;
- (15) A human trafficking offense under Title 3, Subtitle 11 of the Criminal Law Article;
- (16) Sexual solicitation of a minor under § 3-324 of the Criminal Law Article;
- (17) An offense relating to obstructing justice under § 9-302, § 9-303, or § 9-305 of the Criminal Law Article;
- (18) Sexual abuse of a minor under § 3-602 of the Criminal Law Article;
- (19) A theft scheme or continuing course of conduct under § 7-103(f) of the Criminal Law Article involving an aggregate value of property or services of at least \$10,000;
- (20) Abuse or neglect of a vulnerable adult under § 3-604 or § 3-605 of the Criminal Law Article;
- (21) An offense relating to Medicaid fraud under §§ 8-509 through 8-515 of the Criminal Law Article;
- (22) An offense involving a firearm under § 5-134, § 5-136, § 5-138, § 5-140, § 5-141, or § 5-144 of the Public Safety Article; or
- (23) A conspiracy or solicitation to commit an offense listed in items (1) through (22) of this subsection.

(b) *Exception.* — No application or order shall be required if the interception is lawful under the provisions of § 10-402(c) of this subtitle. (1977, ch. 692, §§ 2, 3; 1982, ch. 535; 1983, ch. 384; 1986, ch. 743; 1987, ch. 163; 1988, ch. 607; 1997, ch. 343; 1998, ch. 524; 2000, ch. 288; 2002, ch. 213, § 6; 2004, chs. 285, 539; 2005, chs. 329, 615; 2006, ch. 300; 2011, chs. 54, 55; 2012, ch. 369; 2013, chs. 38, 39; 2018, ch. 145; 2019, ch. 21, § 2; ch. 22, § 2.)

Effect of amendments. — Chapters 54 and 55, Acts 2011, effective October 1, 2011, made identical changes. Each added (a)(15) and redesignated accordingly; and in (a)(19) substituted “items (1) through (18)” for “items (1) through (17).”

Chapter 369, Acts 2012, effective October 1, 2012, added (a)(19) and redesignated accordingly; in (a)(20) substituted “items (1) through (19)” for “items (1) through (18)”; and made a related change.

Chapters 38 and 39, Acts 2013, effective October 1, 2013, made identical changes. Each

added (a)(20) and (a)(21) and redesignated accordingly; in (a)(22) substituted “items (1) through (21)” for “items (1) through (19)”; and made a related change.

Chapter 145, Acts 2018, effective June 1, 2018, added (a)(22), redesignated accordingly, and made related changes.

Section 2, chs. 21 and 22, Acts 2019, effective October 1, 2019, made identical changes. Each substituted “Title 3, Subtitle 11” for “§ 11-303” in (a)(15).

Editor’s note. — Section 3, ch. 288, Acts 2000, provides that “this Act shall only apply to

offenses committed on or after October 1, 2000 and may not be construed to apply in any way to offenses committed before October 1, 2000.”

Maryland Law Review. — For article, “Survey of Developments in Maryland Law, 1987-88,” see 48 Md. L. Rev. 551 (1989).

University of Baltimore Law Review. — For note, “The 1977 Maryland Wiretapping and Electronic Surveillance Act,” see 7 U. Balt. L. Rev. 374 (1978).

For article, “A Diagnosis, Dissection, and Prognosis of Maryland’s New Wiretap and Electronic Surveillance Law,” see 8 U. Balt. L. Rev. 183 (1979).

Legality of video surveillance. — Legality of video surveillance was not directly controlled by the provisions of this subtitle, which regulates only the interception of oral and wire communications. *Ricks v. State*, 312 Md. 11, 537 A.2d 612, cert. denied, 488 U.S. 832, 109 S. Ct. 90, 102 L. Ed. 2d 66 (1988).

State’s use of wiretapping more restrictive than federal statute. — Though the provision in the federal statute allowing the placing of taps for crimes “dangerous to life, limb, or property” is quite broad, the General Assembly has apparently decided not to use that clause to its fullest extent for it has allowed the interception of wiretaps only to gain evidence of certain offenses. *State v. Mayes*, 284 Md. 625, 399 A.2d 597 (1979).

Prosecutions based on wiretap evidence not restricted. — The limitation on the number of criminal acts for which interception of wiretaps can be initiated does not limit the number of offenses for which there can be prosecutions based on wiretap evidence, so long as that evidence is gained in the course of an otherwise proper wiretap and its disclosure and use are authorized in accord with federal law. *State v. Mayes*, 284 Md. 625, 399 A.2d 597 (1979).

Interception cannot be used for evidentiary purposes. — The wiretapping provisions do not permit a judge to authorize, without requiring minimization, interception of privileged marital communications, since such interception cannot be used for evidentiary purposes. *State v. Mazzone*, 336 Md. 379, 648 A.2d 978 (1994).

State Prosecutor formerly excluded. — Prior to the 1982 amendment to this section the State Prosecutor was excluded from the narrowly restricted class of persons permitted to apply for and obtain wiretap orders. *State v. McGhee*, 52 Md. App. 238, 447 A.2d 888 (1982).

Authority may not be delegated. — Statutory authority to apply for interception orders may not be delegated. *Poore v. State*, 39 Md. App. 44, 384 A.2d 103 (1978).

Judge to determine probable cause. — This section requires an issuing judge to determine, on the basis of the application for the

wiretap, that probable cause exists to believe that an individual is committing, has committed, or is about to commit one of several offenses enumerated in this section, particular communications concerning that offense will be intercepted by the wiretap, and the target facilities will be used in connection with the offense. In addition, this section requires a showing either that normal investigative procedures were unsuccessful or reasonably appear to be unlikely to succeed if tried or to be too dangerous. *United States v. Webster*, 639 F.2d 174 (4th Cir.), cert. denied, 454 U.S. 857, 102 S. Ct. 307, 70 L. Ed. 2d 152 (1981), modified on other grounds on reh’g, 669 F.2d 185 (4th Cir. 1982), cert. denied, 456 U.S. 935, 102 S. Ct. 1991, 72 L. Ed. 2d 455 (1982).

Cellphone search warrants. — A warrant or court order for a wiretap under § 10-406 of the Courts Article, for a pen register or trap and trace device under § 10-4B-04 of the Courts Article, or a request for stored information from a telecommunications provider under § 10-4A-04 of the Courts Article must be signed by a circuit court judge, but a warrant or order for the live tracking of a cellphone’s location under § 1-203.1 of the Criminal Procedure Article or for the physical search of an actual phone under the general warrant statute in § 1-203 of the Criminal Procedure Article may be signed by either a circuit court judge or a district court judge. 101 Op. Att’y Gen. 35 (August 30, 2016).

Dealing in controlled substances. — Evidence obtained via a wiretap of a third party’s cell phone was admissible at defendants’ trial for violating the Racketeer Influenced and Corrupt Organizations Act because the requirements of § 10-408 of this subtitle were met where (1) there was probable cause, based on information from a confidential informant and based on the third party’s activities, for believing that the third party was violating subsection (a)(12) by engaging in controlled substance sales; and (2) § 10-408(c)’s exhaustion requirement was met where law enforcement first used confidential informants to obtain as much information as possible, the introduction of an undercover officer was unlikely to succeed, the cooperation of defendants’ associates was unlikely due to the violent nature of defendants’ gang and its small size, and grand jury subpoenas and surveillance were also unlikely to succeed. *United States v. Willock*, 682 F. Supp. 2d 512 (D. Md. 2010).

Generic identification of drugs. — Generic identification of controlled dangerous substances rather than the more specific identification of cocaine does not affect the validity of an interception order. *Howard v. State*, 51 Md. App. 46, 442 A.2d 176 (1982).

Quoted in *Calhoun v. State*, 72 Md. App. 685, 532 A.2d 707 (1987), cert. denied, 311 Md. 718 (1988).

Stated in *Davis v. State*, 426 Md. 211, 43 A.3d 1044 (2012).
Cited in *Davis v. State*, 199 Md. App. 273, 21 A.3d 181 (2011); *Martin v. State*, 218 Md. App. 1, 96 A.3d 765 (2014), cert. denied, 440 Md. 463, 103 A.3d 594, 2014 Md. LEXIS 810 (2014); *Williams v. State*, 220 Md. App. 27, 102 A.3d 814 (2014).

TITLE 11.

JUDGMENTS.

*Subtitle 1. Judgments — Miscellaneous.***§ 11-105. Judgment against unincorporated association.**

In any cause of action affecting the common property, rights, and liabilities of an unincorporated association, joint stock company, or other group which has a recognized group name, a money judgment against the group is enforceable only against the assets of the group as an entity, but not against the assets of any member. (1975, ch. 378, § 2.)

Actions against individual officers. — In former employees' breach of contract case, the trial court erred in entering judgment against an unincorporated nonprofit association but not its members, because it failed to consider whether any of the members, who were the association's officers, ratified the employment contracts, in which case they would be personally liable for the breach. *Pinsky v. Pikesville Rec. Council*, 214 Md. App. 550, 78 A.3d 471 (2013).

Actions against individual officers. — Officers of a nonprofit unincorporated association are personally liable for breach of the association's contract if they ratify the contract. *Pinsky v. Pikesville Rec. Council*, 214 Md. App. 550, 78 A.3d 471 (2013).

Applied in *Turner v. Turner*, 147 Md. App. 350, 809 A.2d 18 (2002).

CRIMINAL LAW.

Title 3.

Other Crimes Against the Person.

Subtitle 1. Suicide.

Sec.

- 3-101. Definitions.
 - (a) In general.
 - (b) Licensed health care professional.
 - (c) Suicide.
- 3-101.1. Suicide.
- 3-102. Assisting another to commit or attempt suicide.
- 3-103. Exceptions.
- 3-104. Penalty.

Title 4.

Weapon Crimes.

Subtitle 5. Destructive Devices.

- 4-501. Definitions.
 - (a) In general.
 - (b) Destructive device.
 - (c) Explosive material.
 - (d) Incendiary material.
 - (e) Toxic material.
- 4-502. Scope of subtitle.
- 4-503. Manufacture or possession of destructive device.

Title 6.

Crimes Against Property.

Subtitle 1. Arson and Burning.

- 6-101. Definitions.
 - (a) In general.
 - (b) Dwelling.
 - (c) Maliciously.
 - (d) Structure.
 - (e) Willfully.
- 6-102. Arson in the first degree.
- 6-103. Arson in the second degree.
- 6-104. Malicious burning of personal property in the first degree.
- 6-105. Malicious burning of personal property in the second degree.
- 6-106. Burning with intent to defraud.
- 6-107. Threat of arson.
- 6-108. Burning trash container.
- 6-109. Attempt to burn structure or property.
- 6-110. Separate units — Separate violations.
- 6-111. Charging document.

Title 8.

Fraud and Related Crimes.

Subtitle 5. Public Fraud.

Part III. Other Public Fraud.

Sec.

- 8-520. Fundraising.

Title 9.

Crimes Against Public Administration.

Subtitle 5. False Statements.

- 9-504. False statement — Concerning destructive device or toxic material.
- 9-505. Representation of destructive device.

Subtitle 6. Interference with Government Operations.

Part I. In General.

- 9-602. State personnel monitoring or recording telephone conversation.
- 9-603. Prerecorded emergency message.
- 9-604. False alarm.

Part II. Alarm Systems.

- 9-607. Definitions.
 - (a) In general.
 - (b) Alarm system.
 - (c) Alarm system contractor.
 - (d) Alarm user.
 - (e) False alarm.
 - (f) Law enforcement unit.
 - (g) Signal.
- 9-608. Nonemergency activation of signal.
- 9-609. Multiple false alarms.
- 9-610. Defective alarm system.
- 9-611. Audible alarm system.

Title 10.

Crimes Against Public Health, Conduct, and Sensibilities.

Subtitle 3. Hate Crimes.

- 10-301. Definitions.
 - (a) In general.
 - (b) Homeless.
 - (c) Sexual orientation.
- 10-302. Damaging property of religious entity.
- 10-303. Obstructing exercise of religious belief.
- 10-304. Harassment; destruction of property.
- 10-305. Damage to associated building.
- 10-306. Penalty.
- 10-307. Sentencing.
- 10-308. First Amendment rights protected.

Title 12.

Gaming — Statewide Provisions.

Subtitle 1. General Provisions.

Sec.

12-101. Definitions.

- (a) In general.
- (b) Candidate.

Sec.

- (c) Credit.
- (d) Gaming device.
- (e) Gaming event.
- (f) Organization.
- (g) Political committee.
- (h) Token.

12-106. Raffles.

12-108. Gaming event — Acceptance of credit.

Editor's note. — Some of the cases appearing in the notes to this article were decided under the former statutes in effect prior to the 2002 revision. These earlier cases have been moved to pertinent sections of the revised material where they may be used in interpreting the current statutes. Internal references have also been updated.

Editor's notes from legislation affecting the statutes from which the provisions of this article were derived may have been retained and may appear under pertinent provisions of this article.

Section 5, ch. 26, Acts 2002, provides that "§ 281 (i) of Article 27 — Crimes and Punishments of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

1. The Department of Health and Mental Hygiene [Maryland Department of Health] shall initially permit persons to register under Title 5, Subtitle 3 of the Criminal Law Article if the persons own or operate any establishment engaged in the manufacture, distribution or dispensing of any controlled dangerous substances prior to July 1, 1970, and who are registered or licensed by the State."

Section 6, ch. 26, Acts 2002, provides that "§§ 302 (a) through (c), inclusive, of Article 27 - Crimes and Punishments of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

(a) Prosecutions for any violation of law occurring prior to July 1, 1970, shall not be affected by these repealers or amendments, or abated by reason thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to July 1, 1970, shall not be affected by these repealers or amendments, or abated by reason thereof.

(c) All administrative proceedings pending before the Department of Health and Mental Hygiene [Maryland Department of Health] on July 1, 1970, shall be continued and brought to final determination in accord with laws and regulations in effect prior to July 1, 1970. Such drugs placed under control prior to July 1, 1970, which are not listed within Schedules I through V shall automatically be controlled and listed in the appropriate schedule."

Section 7, ch. 26, Acts 2002, provides that "the continuity of every commission, office, department, agency or other unit is retained. The personnel, records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act."

Section 8, ch. 26, Acts 2002, provides that "nothing in this Act affects the term of office of an appointed or elected member of any commission, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law."

Section 9, ch. 26, Acts 2002, provides that "except as expressly provided to the contrary in this Act, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred by this Act and validly entered into or existing before the effective date of this Act and every right, duty, or interest flowing from a statute amended, repealed, or transferred by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit."

Section 10, ch. 26, Acts 2002, provides that "except as expressly provided to the contrary in this Act, any person licensed, registered, certified, or issued a permit or certificate by any commission, office, department, agency, or other unit established or continued by any statute amended, repealed, or transferred by this Act is considered for all purposes to be licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued under this Act for the duration of the

term for which the license, registration, certification, or permit was issued, and may renew that authorization in accordance with the appropriate renewal provisions of this Act.”

Section 11, ch. 26, Acts 2002, provides that “this Act does not rescind, supersede, change, or modify any rule adopted by the Court of Appeals that is or was in effect on the effective date of this Act concerning the practice and procedure in and the administration of the appellate courts and the other courts of this State.”

Section 12, ch. 26, Acts 2002, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2002 that affects provisions en-

acted by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.”

Section 13, ch. 26, Acts 2002, provides that “it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision, and may not otherwise be construed to render any substantive change in the criminal law of the State.”

Section 14, ch. 26, Acts 2002, provides that “the catchlines, captions, and Revisor’s Notes contained in this Act are not law and may not be considered to have been enacted as a part of this Act.”

Section 15, ch. 26, Acts 2002, provides that § 3 of this act shall take effect July 1, 2003.

Section 16, ch. 26, Acts 2002, provides that, except as provided in § 15 of this act, this act shall take effect October 1, 2002.

TITLE 3.

OTHER CRIMES AGAINST THE PERSON.

Subtitle 1. Suicide.

§ 3-101. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

REVISOR’S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 416(a)(1).

(b) *Licensed health care professional.* — “Licensed health care professional” means a duly licensed or certified:

- (1) physician;
- (2) surgeon;
- (3) podiatrist;
- (4) osteopath;
- (5) osteopathic physician;
- (6) osteopathic surgeon;
- (7) physician assistant;
- (8) registered nurse;
- (9) licensed practical nurse;
- (10) nurse practitioner;
- (11) dentist;
- (12) pharmacist; or
- (13) emergency medical services provider, in accordance with § 13-516 of the Education Article.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 416(a)(2).

The reference to a “certified” practitioner is added to reflect that several of the types of practitioner listed in this subsection are “certified” rather than “licensed” — physician assistants, nurse practitioners, and two of the five types of emergency medical services providers:

emergency medical technician — ambulance and emergency medical technician — basic.

In item (13) of this subsection, the reference to an emergency medical services provider licensed or certified “in accordance with” ED § 13-516 is substituted for the former reference to an emergency medical services provider “as defined in” that provision for clarity.

(c) *Suicide*. — “Suicide” means the act or instance in which an individual intentionally takes the individual’s own life.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 416(a)(3).

The references to “an individual” are added for clarity.

(An. Code 1957, art. 27, § 416(a); 2002, ch. 26, § 2.)

REVISOR'S NOTE TO SECTION

The Revisor’s notes in this section comprise information related to the revision by Acts 2002, ch. 26.

§ 3-101.1. **Suicide.**

(a) *Decriminalization*. — Attempted suicide is not a crime in the State.

(b) *Can be charged with other crimes*. — This section may not be construed to prohibit a person who commits one or more crimes in the course of attempting to commit suicide from being charged with the other crime or crimes. (2019, ch. 571.)

Editor’s note. — Section 2, ch. 571, Acts 2019, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor’s signature, provides that “the common law offense of attempted suicide is hereby abrogated and repealed.”

Section 3, ch. 571, Acts 2019, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor’s signature, provides that the act shall take effect October 1, 2019.

§ 3-102. **Assisting another to commit or attempt suicide.**

With the purpose of assisting another individual to commit or attempt to commit suicide, an individual may not:

(1) by coercion, duress, or deception, knowingly cause another individual to commit suicide or attempt to commit suicide;

(2) knowingly provide the physical means by which another individual commits or attempts to commit suicide with knowledge of that individual’s intent to use the physical means to commit suicide; or

(3) knowingly participate in a physical act by which another individual commits or attempts to commit suicide. (An. Code 1957, art. 27, § 416(b); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 416(b).

Throughout this section, the references to an "individual" are substituted for the former ref-

erences to a "person" for clarity, since only "natural" persons may commit suicide; other types of persons — corporations, partnerships, etc. — do not have the physical ability to commit suicide.

Defined term:
"Suicide"

§ 3-101

§ 3-103. Exceptions.

(a) *Palliative care — Pain relief.* — A licensed health care professional does not violate § 3-102 of this subtitle by administering or prescribing a procedure or administering, prescribing, or dispensing a medication to relieve pain, even if the medication or procedure may hasten death or increase the risk of death, unless the licensed health care professional knowingly administers or prescribes the procedure or administers, prescribes, or dispenses the medication to cause death.

(b) *Life-sustaining procedures.* — A licensed health care professional does not violate § 3-102 of this subtitle by withholding or withdrawing a medically administered life-sustaining procedure:

(1) in compliance with Title 5, Subtitle 6 of the Health - General Article; or

(2) in accordance with reasonable medical practice.

(c) *Family caregiver.* — (1) Unless the family member knowingly administers a procedure or administers or dispenses a medication to cause death, a family member does not violate § 3-102 of this subtitle if the family member:

(i) is a caregiver for a patient enrolled in a licensed hospice program; and

(ii) administers the procedure or administers or dispenses the medication to relieve pain under the supervision of a health care professional.

(2) Paragraph (1) of this subsection applies even if the medication or procedure hastens death or increases the risk of death. (An. Code 1957, art. 27, § 416(c); 2002, ch. 26, § 2; 2003, ch. 21, § 1.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 416(c).

In subsection (a) of this section, the references to "administering or prescribing a proce-

cedure or administering, prescribing, or dispensing a medication" are substituted for the former references to "administer[ing], prescrib[ing], or dispens[ing] medications or procedures" because a procedure cannot be "dispensed". Similarly, in subsection (c) of this section, the references to "administer[ing] [a] procedure or administer[ing] or dispens[ing] a medication"

are substituted for the former reference to “administer[ing] or dispens[ing] medications or procedures”.

In subsection (b) of this section, the former reference to “the Health Care Decisions Act” is deleted as included in the reference to “Title 5, Subtitle 6 of the Health - General Article”.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that the reference to a “health care professional” in subsection (c)(1)(ii) of this section, which describes the individual under whose supervision a family member may ad-

minister pain relief, omits the qualification “licensed” used elsewhere in this subtitle in the defined term “licensed health care professional”. If the licensure of the health care professional in this situation is material, the General Assembly may wish to consider adding the word “licensed” to modify “health care professional” in this provision.

Defined term:

“Licensed health care professional”

§ 3-101

§ 3-104. Penalty.

An individual who violates this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$10,000 or both. (An. Code 1957, art. 27, § 416(d); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 416(d).

TITLE 4.

WEAPON CRIMES.

Subtitle 5. Destructive Devices.

§ 4-501. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 139A(a).

(b) *Destructive device.* — (1) “Destructive device” means explosive material, incendiary material, or toxic material that is:

(i) combined with a delivery or detonating apparatus so as to be capable of inflicting injury to persons or damage to property; or

(ii) deliberately modified, containerized, or otherwise equipped with a special delivery, activation, or detonation component that gives the material destructive characteristics of a military ordnance.

(2) “Destructive device” includes a bomb, grenade, mine, shell, missile, flamethrower, poison gas, Molotov cocktail, pipe bomb, and petroleum-soaked ammonium nitrate.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 139A(c).

In paragraph (1) of this subsection, the word "is" is substituted for the former phrase "has been" for consistency in tense.

In paragraph (1)(i) of this subsection, the former reference to "[d]evices which are primarily designed and manufactured for military purposes as instrumentalities of destruction" is deleted as included in the reference to a material that is combined with apparatus "so as to be capable of inflicting injury to persons or damage to property".

In paragraph (1)(ii) of this subsection, the phrase "that gives the material" is substituted for the former phrase "so as to give it the" for clarity.

In paragraph (2) of this subsection, the conjunction "and" is substituted for the former conjunction "or" as the standard conjunction used in an inclusive definition.

Defined terms:

"Explosive material"	§ 4-501
"Incendiary material"	§ 4-501
"Person"	§ 1-101
"Toxic material"	§ 4-501

(c) *Explosive material*. — (1) "Explosive material" means material that explodes when detonated and has a destructive capability.

(2) "Explosive material" includes:

- (i) explosives as defined in § 11-101 of the Public Safety Article; and
- (ii) dynamite for construction work, ammonium nitrate, natural gas in pipelines or storage tanks, ether, and cannisterized oxygen for health care facilities.

(3) "Explosive material" does not include items excluded from explosives in § 11-101 of the Public Safety Article when the items are used in their original configuration.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 139A(d).

In paragraph (2)(ii) of this subsection, the conjunction "or" is substituted for the former

conjunction "and" to clarify that the reference to "natural gas" applies either to gas in pipelines or to gas in storage tanks.

(d) *Incendiary material*. — (1) "Incendiary material" means a flammable or combustible liquid.

(2) "Incendiary material" includes gasoline, acetone, benzene, butane, jet fuel, fuel oil, kerosene, and diesel fuel.

REVISOR'S NOTE

This subsection formerly was Art. 27, § 139A(e).

No changes are made.

(e) *Toxic material*. — (1) "Toxic material" means material that is capable of causing death or serious bodily injury almost immediately on being absorbed through the skin, inhaled, or ingested.

(2) "Toxic material" includes:

- (i) nerve gas, mustard gas, cyanide gas, chlorine gas, sulphuric acid, or their precursors; and

(ii) a biological substance containing a disease organism or microorganism.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 139A(f).

In paragraph (2) of this subsection, the former phrase “but is not limited to” is deleted in

light of Art. 1, § 30, which provides that the term “includes” is used “by way of illustration and not by way of limitation”.

(An. Code 1957, art. 27, § 139A(a), (c)-(f); 2002, ch. 26, § 2; 2003, ch. 17; ch. 21, § 1; 2005, ch. 201.)

REVISOR'S NOTE TO SECTION

The Revisor's notes in this section comprise information related to the revision by Acts 2002, ch. 26.

Former Art. 27, § 139A(b), which defined “child” to be a person under the age of 18 years,

is deleted because the term is not used in the revision. Instead, the revision uses the article-wide term “minor” defined in § 1-101 of this article.

Editor's note. — Section 2, ch. 371, Acts 1991, provides that “there is no statute of limitations for a misdemeanor punishable by imprisonment in the penitentiary, notwithstanding any holding or dictum to the contrary in *Massey v. State*, 320 Md. 605, 579 A.2d 265 (1990).”

“Explosive device.” — An explosive device is one which is characterized by explosion or one which tends to explode, and is not limited to those which have actually exploded. *Chambers v. State*, 6 Md. App. 339, 251 A.2d 30, cert. denied, 255 Md. 740 (1969).

§ 4-502. Scope of subtitle.

This subtitle does not apply to:

- (1) a member of the armed forces of the United States or of the National Guard or law enforcement personnel of the United States, the State, or a political subdivision of the State while acting within the scope of official duties;
- (2) an officer or employee of the United States, the State, or a political subdivision of the State who is authorized to handle a destructive device within the scope of official duties and who is acting within the scope of those duties;
- (3) a person authorized by law to possess explosive material, incendiary material, or toxic material who is acting within the scope of authority if the possession of the material is specifically regulated or licensed by law; or
- (4) a person who possesses smokeless or black gunpowder under Title 11, Subtitle 1 of the Public Safety Article and uses the gunpowder for loading or reloading small arms ammunition, antique firearms, or replicas of antique firearms. (An. Code 1957, art. 27, § 139B; 2002, ch. 26, § 2; 2003, ch. 17.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 139B.

In items (2) and (3) of this section, the former references to being licensed are deleted as included in the references to being "authorized" by law or acting under "authority".

Defined terms:

"Destructive device"	§ 4-501
"Explosive material"	§ 4-501
"Incendiary material"	§ 4-501
"Person"	§ 1-101
"Toxic material"	§ 4-501

§ 4-503. Manufacture or possession of destructive device.

(a) *Prohibited.* — A person may not knowingly:

(1) manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or

(2) possess explosive material, incendiary material, or toxic material with intent to create a destructive device.

(b) *Penalty.* — (1) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 25 years or a fine not exceeding \$250,000 or both.

(2) A sentence imposed under this subsection may be separate from and consecutive to or concurrent with a sentence for a crime based on the act or acts establishing the violation of this section.

(3) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

(i) for a first violation, 6 months; and

(ii) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer.

(c) *Restitution.* — (1) In addition to any penalty provided in subsection (b) of this section, a person convicted or found to have committed a delinquent act under this section may be ordered by the court to pay restitution to:

(i) the State, county, municipal corporation, bicounty agency, multi-county agency, county board of education, public authority, or special taxing district for actual costs reasonably incurred due to a violation of this section, including the search for, removal of, and damages caused by a destructive device; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property or damage sustained due to a violation of this section.

(2) (i) If a person convicted or found to have committed a delinquent act under this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(3) This subsection does not limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article. (An. Code 1957, art. 27, §§ 139C, 139D; 2002, ch. 26, § 2; 2006, ch. 429.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, §§ 139C and 139D.

In subsections (b)(3) and (c)(2) of this section, the defined term "minor" is substituted for the former defined term "child" for consistency within this article. See § 1-101 of this article.

For provisions on threats involving destructive devices and imitations of destructive devices, see §§ 9-504 and 9-505 of this article.

Defined terms:

"County"	§ 1-101
"Destructive device"	§ 4-501
"Explosive material"	§ 4-501
"Incendiary material"	§ 4-501
"Minor"	§ 1-101
"Person"	§ 1-101
"Toxic material"	§ 4-501

Cross references. — As to burglary with destructive device, see § 6-207 of this article.

Cited in State v. Johnson, 442 Md. 211, 112 A.3d 383 (2015).

TITLE 6.

CRIMES AGAINST PROPERTY.

Subtitle 1. Arson and Burning.

§ 6-101. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

REVISOR'S NOTE

This subsection formerly was Art. 27, § 5(a).
The only changes are in style.

(b) *Dwelling.* — (1) "Dwelling" means a structure any part of which has been adapted for overnight accommodation of an individual, regardless of whether an individual is actually present.

(2) "Dwelling" includes a kitchen, shop, barn, stable, or outbuilding that is a parcel to, belongs to, or adjoins the dwelling.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 5(b).

In paragraph (2) of this subsection, the reference to an "outbuilding" is substituted for the former reference to an "outhouse" for clarity.

Also in paragraph (2) of this subsection, the phrase “or parcel to” is retained for consistency with case law concerning arson, although the phrase “part of” may be an accurate and more modern substitute. The term “parcel” in this sense is only used in § 2-201(a)(4)(ii)1 of this article, relating to murder in the first degree involving arson. In § 8-701 of this article, re-

lating to embezzlement involving certain documents, the reference to “part of” a document is substituted for the former reference to a “parcel of” a document. The Criminal Law Article Review Committee brings the retention of the original term in this section to the attention of the General Assembly.

(c) *Maliciously*. — “Maliciously” means acting with intent to harm a person or property.

REVISOR’S NOTE

This subsection formerly was Art. 27, § 5(c).
The only changes are in style.

Defined term:
“Person”

§ 1-101

(d) *Structure*. — (1) “Structure” means a building or other construction, a vehicle, or watercraft.

(2) “Structure” includes a:

- (i) barn, stable, pier, wharf, and any facility attached to a pier or wharf;
- (ii) tent, public building, or public bridge; and
- (iii) railroad car.

REVISOR’S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 5(e).

In item (2)(i) of this subsection, the former references to a “garage” and a “boathouse” are deleted as included in the comprehensive reference to a “building” in item (1) of this subsection. Similarly, in item (2)(ii) of this subsection, the former references to a “shop”, “storehouse”,

“warehouse”, “factory”, “mill”, “house of worship”, “meeting house”, “courthouse”, “workhouse”, and “school” are deleted as included in the comprehensive references to a “building” and “other construction”. Also similarly, in item (2)(iii) of this subsection, the former references to a “motor vehicle”, “aircraft”, “boat”, and “ship” are deleted in light of the comprehensive references to a “vehicle” and a “watercraft”.

(e) *Willfully*. — “Willfully” means acting intentionally, knowingly, and purposely.

REVISOR’S NOTE

This subsection formerly was Art. 27, § 5(f).
The only changes are in style.

(An. Code 1957, art. 27, § 5(a)-(c), (e), (f); 2002, ch. 26, § 2.)

REVISOR’S NOTE TO SECTION

The Revisor’s notes in this section comprise information related to the revision by Acts 2002, ch. 26.

The former defined term “occupied structure”

from former Art. 27, § 5(d) is revised in § 6-102 of this subtitle.

“Dwelling.” — The definition of “dwelling” is intended to include any structure, regardless of whether persons regularly utilize it as a place to sleep, so long as it has been adapted for overnight accommodation of individuals. *Fischer v. State*, 117 Md. App. 443, 700 A.2d 829 (1997), cert. denied, 348 Md. 333, 703 A.2d 1264 (1998).

Malice. — State was not required to show that defendant intended to harm a person to prove malice, an intent to harm the townhouse was sufficient. *Pryor v. State*, 195 Md. App. 311, 6 A.3d 343 (2010).

Substantial evidence did not support a juvenile’s first-degree arson conviction because (1) the crime was a specific intent crime, (2) the State proved no willful or malicious act with an intent to burn a dwelling, and (3) no rational trier of fact could so find beyond a reasonable doubt. In re David P., 234 Md. App. 127, 170 A.3d 818 (2017).

Cited in *Mut. Fire Ins. Co. v. Ackerman*, 162 Md. App. 1, 872 A.2d 110 (2005).

§ 6-102. Arson in the first degree.

(a) *Prohibited.* — A person may not willfully and maliciously set fire to or burn:

(1) a dwelling; or

(2) a structure in or on which an individual who is not a participant is present.

(b) *Penalty.* — A person who violates this section is guilty of the felony of arson in the first degree and on conviction is subject to imprisonment not exceeding 30 years or a fine not exceeding \$50,000 or both.

(c) *Prohibited defense.* — It is not a defense to a prosecution under this section that the person owns the property. (An. Code 1957, art. 27, §§ 5(d), 6; 2002, ch. 26, § 2.)

REVISOR’S NOTE

This Revisor’s note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, §§ 6 and 5(d).

Subsection (a) of this section incorporates the substance of the term “occupied structure”, formerly defined in Art. 27, § 5(d), in the prohibited act relating to burning of an occupied structure, because the defined term was only

used once, in the source material for this section.

Subsection (c) of this section is revised as a prohibited defense rather than as a qualification of affected property for clarity.

Defined terms:

“Dwelling”	§ 6-101
“Maliciously”	§ 6-101
“Person”	§ 1-101
“Willfully”	§ 6-101

Maryland Law Review. — For article, “Survey of Developments in Maryland Law, 1986-87,” see 47 Md. L. Rev. 739 (1988).

University of Baltimore Law Review. — For note, “The 1977 Maryland Wiretapping and Electronic Surveillance Act,” see 7 U. Balt. L. Rev. 374 (1978).

University of Baltimore Law Forum. — For a 2001 development, “Holbrook v. State: Arson and Reckless Endangerment Do Not Have to be Merged at Sentencing Because They are Considered Separate Crimes”, see 32 U. Balt. Law Forum 43 (2001).

Cross burning. — A statute expressly directed at cross burning would be unconstitu-

tional; however, cross burning is, in many instances, punishable under existing criminal statutes. Moreover, other legislative action not focused on cross burnings specifically would effectively make most cross burnings punishable. 78 Op. Att’y Gen. 90 (November 9, 1993).

Common law. — At common law the felony of arson was the malicious burning of the dwelling house of another. *Butina v. State*, 4 Md. App. 312, 242 A.2d 819 (1968), cert. denied, 251 Md. 748 (1969).

Section enlarged common law. — Former version of this section enlarged the common law meaning of arson as by its provisions a person committed arson if he willfully and

maliciously either set fire to or burned or caused to be burned a dwelling house (and other property that is parcel thereto designated by the statute), or aided, counseled or procured the burning. Thus, although at common law a person not actually or constructively present who "aids, counsels or procures the burning" was an accessory before the fact, under the former statute he was a principal to the arson. *Butina v. State*, 4 Md. App. 312, 242 A.2d 819 (1968), cert. denied, 251 Md. 748 (1969).

The General Assembly has widened the scope of arson beyond its common law limits. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

This section represents an enlargement of the common law felony of arson. *DeBettencourt v. State*, 48 Md. App. 522, 428 A.2d 479, cert. denied, 290 Md. 713 (1981).

Relationship to other laws. — A lawful permanent resident was removable because her conviction under Maryland's arson-in-the-first-degree statute constituted an aggravated felony under the Immigration and Nationality Act, which referenced 18 U.S.C.S. § 844(i). *Espinal-Andrades v. Holder*, 777 F.3d 163 (4th Cir. 2015), cert. denied, 136 S. Ct. 2386, 195 L. Ed. 2d 762 (U.S. 2016).

Offense is against the property. — Since the statute is directed against the burning of any dwelling house, whether the property of the person charged or another, irrespective of whether it is occupied, the offense is against the property, and ownership may properly be laid in the owner of the fee, even though another may actually occupy it as his tenant. *Wimpling v. State*, 171 Md. 362, 189 A. 248 (1937).

General Assembly did not intend restrictive interpretation of "building." — For the court to speculate that by using the word "building" (now "structure") the General Assembly intended something more restrictive than its ordinary meaning, despite its obvious effort to include in its realm every type of burnable matter in whatever form by using specific references followed by broad generic catchall terms to guard against restrictive interpretation, would be judicially to impose a restrictive interpretation upon a term of common usage generally understood to apply without regard to its present or intended use. *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev'd on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

Dwelling house. — It is a well settled common law doctrine that a building in order to constitute a dwelling house need not be used exclusively for that purpose. *Smith v. State*, 31 Md. App. 106, 355 A.2d 527 (1976).

The use of one part of a building as a dwelling gives the character of a dwelling house to the entire building if there is internal communication between the part used for dwelling purposes and the part used for other purposes.

Smith v. State, 31 Md. App. 106, 355 A.2d 527 (1976).

The definition of "dwelling" the prior version of this section is intended to include any structure, regardless of whether persons regularly utilize it as a place to sleep, so long as it has been adapted for overnight accommodation of individuals. *Fischer v. State*, 117 Md. App. 443, 700 A.2d 829 (1997), cert. denied, 348 Md. 333, 703 A.2d 1264 (1998).

Testimony indicating house was in relatively good condition, and had both water and electricity at time of arson, was sufficient for jury to conclude the house was adapted for overnight accommodation, and defendant was properly convicted of arson of a dwelling pursuant to this section. *Fischer v. State*, 117 Md. App. 443, 700 A.2d 829 (1997), cert. denied, 348 Md. 333, 703 A.2d 1264 (1998).

Common law definition of dwelling house encompasses church. — The common law definition of a dwelling house encompasses a church. *Hannah v. State*, 3 Md. App. 325, 239 A.2d 124 (1968), cert. denied, 251 Md. 749 (1968).

Burning building which included dwelling and shop thereof. — Where the defendant, in a single act, burned one building which included a dwelling and a shop that was parcel thereof, defendant could not be punished twice for that single act of burning under the double jeopardy clause of the Fifth Amendment of the federal Constitution. *Smith v. State*, 31 Md. App. 106, 355 A.2d 527 (1976).

Only principal or accessory at common law may be convicted. — A person may be convicted of setting fire to or burning or causing to be burned a dwelling house only if he would have been a principal at common law, and he may be convicted of aiding, counseling or procuring the burning only if he would have been an accessory before the fact at common law. *Butina v. State*, 4 Md. App. 312, 242 A.2d 819 (1968), cert. denied, 251 Md. 748 (1969).

One aiding or counseling burning was guilty as principal. — Under former version of this section one who aided, counseled or procured the burning of a dwelling house was guilty of arson as a principal and was subject to the same punishment as though he had himself actually burned it. *Wimpling v. State*, 171 Md. 362, 189 A. 248 (1937).

Arson as defined in former version of this section included not only the physical act of setting fire to the dwelling, but also the act of aiding, counseling or procuring another to do so. *Wimpling v. State*, 171 Md. 362, 189 A. 248 (1937).

An accessory at common law may be made a principal by statute, as when one aids, counsels or procures another to wilfully and maliciously set fire to a dwelling house. *Sanders v. State*, 1 Md. App. 630, 232 A.2d 555 (1967); *Abrams v.*

Warden, Md. Penitentiary, 333 F. Supp. 612 (D. Md. 1971).

While at common law one who aids, counsels or procures another to wilfully and maliciously set fire to a dwelling house is an accessory, by a former version of this section he was made a principal, and his act in so counseling, aiding or procuring was in itself a substantive offense. *Wimpling v. State*, 171 Md. 362, 189 A. 248 (1937).

Malice undefined. — The General Assembly never defined malice in its role as an essential element of the crime of arson. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

Intentional setting of dangerous fire is malicious. — The intentional setting of a dangerous fire with reckless and wanton disregard of the consequences in terms of the danger of bringing harm to others is malicious for purposes of this section. *DeBettencourt v. State*, 48 Md. App. 522, 428 A.2d 479, cert. denied, 290 Md. 713 (1981).

Wilful and malicious. — Setting a fire with reckless and wanton disregard for the consequences satisfies the wilful and malicious requirement of this section. *Richmond v. State*, 326 Md. 257, 604 A.2d 483 (1992).

Substantial evidence did not support a juvenile's first-degree arson conviction because (1) the crime was a specific intent crime, (2) the State proved no willful or malicious act with an intent to burn a dwelling, and (3) no rational trier of fact could so find beyond a reasonable doubt. *In re David P.*, 234 Md. App. 127, 170 A.3d 818 (2017).

Intent to harm not required to prove malice. — State was not required to show that defendant intended to harm a person to prove malice, an intent to harm the townhouse was sufficient. *Pryor v. State*, 195 Md. App. 311, 6 A.3d 343 (2010).

No merger with conviction for reckless endangerment. — Where defendant was convicted of arson and several counts of reckless endangerment, the offenses did not merge because under Maryland law they had different scienter elements. Reckless endangerment is a general intent crime, but arson requires specific intent — willful and malicious. *Holbrook v. State*, 364 Md. 354, 772 A.2d 1240 (2001).

Sufficiency of indictment. — See *Butina v. State*, 4 Md. App. 312, 242 A.2d 819 (1968), cert. denied, 251 Md. 748 (1969).

Arson may be proved by circumstantial evidence. — Arson is likely to be a clandestine offense and proof of it must often be by circumstantial evidence and inferences which may reasonably be drawn therefrom. *McDowell v. State*, 231 Md. 205, 189 A.2d 611 (1963).

Presence of defendant in vicinity of fire is relevant. — In an arson case the presence of the defendant in the vicinity of the fire, whether before or after its occurrence, is always

relevant. *McDowell v. State*, 231 Md. 205, 189 A.2d 611 (1963).

Corroboration of accomplice's testimony. — See *McDowell v. State*, 231 Md. 205, 189 A.2d 611 (1963).

Evidence of malice or motive admissible. — Evidence as to malice or motive is admissible in an arson case. *McDowell v. State*, 231 Md. 205, 189 A.2d 611 (1963); *Nasim v. State*, 34 Md. App. 65, 366 A.2d 70 (1976), cert. denied, 434 U.S. 868, 98 S. Ct. 209, 54 L. Ed. 2d 146, cert. denied, 279 Md. 684 (1977).

Evidence sufficient to sustain conviction. — See *Butina v. State*, 4 Md. App. 312, 242 A.2d 819 (1968), cert. denied, 251 Md. 748 (1969).

Defendant's act of setting fire to the victims' townhouse, an end unit in obvious proximity to her neighbor, showed malice sufficient to support defendant's conviction for arson in the first degree. *Pryor v. State*, 195 Md. App. 311, 6 A.3d 343 (2010).

Double jeopardy. — Defendant's convictions and sentences for procuring the burning of three separate apartments within one apartment building did not offend the double jeopardy clause. *Richmond v. State*, 326 Md. 257, 604 A.2d 483 (1992).

The offenses of reckless endangerment and arson each require proof of a fact which the other does not and are not the same for double jeopardy purposes, even though they may arise from the same conduct or episode. *Holbrook v. State*, 133 Md. App. 245, 754 A.2d 1103 (2000), aff'd, 364 Md. 354, 772 A.2d 1240 (2001).

Admissibility of arson conviction for impeachment purposes. — In defendant's trial on drug offenses, even if defendant did not waive the issue of whether it was error to allow the admission of defendant's prior arson conviction for impeachment purposes when defendant introduced the conviction, it was not an abuse of discretion to rule that the State could offer the prior conviction because (1) the conviction's impeachment value was assumed due to the fact that arson was an "infamous crime," (2) the conviction occurred nearly eight years before trial, so the conviction's prejudicial impact was less significant, (3) the conviction was for a crime very dissimilar to the crimes before the jury, so there was less danger the jury would assume defendant was guilty of those crimes, and, (4) given defendant's denial of any involvement in the crimes alleged, defendant's credibility was central to the case, so it was important for the State to present evidence bearing on defendant's credibility. *Cure v. State*, 195 Md. App. 557, 7 A.3d 145 (2010).

When defendant was prosecuted for drug offenses, it was not error to admit defendant's prior arson conviction for impeachment purposes because (1) arson was within the universe of crimes that were admissible for im-

peachment purposes, (2) the prior conviction was less than 15 years old and had not been reversed or pardoned, nor was the conviction the subject of an appeal, and (3) it was not an abuse of discretion to find the prior conviction's probative value outweighed any danger of unfair prejudice. *Cure v. State*, 421 Md. 300, 26 A.3d 899 (2011).

When defendant was prosecuted for drug offenses, it was not an abuse of discretion to find that the probative value of defendant's prior arson conviction outweighed the danger of unfair prejudice if the prior conviction were admitted because (1) arson was relevant to

defendant's credibility, (2) the eight years that passed since the prior conviction made the factor of the time that intervened between the prior conviction and the prior conviction's admission neutral, (3) the charged crimes were not similar to arson, reducing the danger of a conviction based on the prior conviction, and (4) the importance of defendant's testimony and the centrality of defendant's credibility favored admissibility of the prior conviction, as defendant asserted a defense of misidentification. *Cure v. State*, 421 Md. 300, 26 A.3d 899 (2011).

Cited in *Mut. Fire Ins. Co. v. Ackerman*, 162 Md. App. 1, 872 A.2d 110 (2005).

§ 6-103. Arson in the second degree.

(a) *Prohibited*. — A person may not willfully and maliciously set fire to or burn a structure that belongs to the person or to another.

(b) *Penalty*. — A person who violates this section is guilty of the felony of arson in the second degree and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$30,000 or both.

(c) *Prohibited defense*. — It is not a defense to a prosecution under this section that the person owns the property. (An. Code 1957, art. 27, § 7; 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 7.

In subsection (a) of this section, the reference to a structure "that belongs to" the person or to another is substituted for the former reference to a structure "whether the property of" the person and another for clarity and consistency within this subtitle.

Subsection (c) of this section is revised as a prohibited defense rather than as a qualification of affected property for clarity.

Defined terms:

"Maliciously"	§ 6-101
"Person"	§ 1-101
"Structure"	§ 6-101
"Willfully"	§ 6-101

University of Baltimore Law Review. — For note, "The 1977 Maryland Wiretapping and Electronic Surveillance Act," see 7 U. Balt. L. Rev. 374 (1978).

For comment, "Rights of the Maryland Probationer: A Primer for the Practitioner," see 11 U. Balt. L. Rev. 272 (1982).

Common law. — Arson at common law was the malicious, wilful and actual burning of a house or outhouse occupied by another. It was a crime against the habitation of individuals, rather than an offense against property, and was considered a grave offense demonstrating a reckless disregard for human life. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

Scope of arson widened beyond common law limits. — The General Assembly has widened the scope of arson beyond its common law

limits. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

General Assembly did not intend restrictive interpretation. — For the court to speculate that by using the word "building" (now "structure") the General Assembly intended something more restrictive than its ordinary meaning, despite its obvious effort to include in its realm every type of burnable matter in whatever form by using specific references followed by broad generic catchall terms to guard against restrictive interpretation, would be judicially to impose a restrictive interpretation upon a term of common usage generally understood to apply without regard to its present or intended use. *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev'd on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

Standing structures. — Where defendant caused an abandoned and derelict clubhouse to be burned, and at the time of the burning, dilapidated or not, used or unused, the “clubhouse” still stood, and the evidence further demonstrated that its steel-framed walls and roof had, just months prior to the burning, been used for the storage of various persons’ property, such standing structure falls under the protection of the arson and burning statute, and its unlawful burning is proscribed despite its present, past or future purpose. *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev’d on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

Proof of burning of building required. — An indispensable element of the crime under this section, as it is with the common law crime of arson, is proof of a burning of the building (now structure) involved. *Hines v. State*, 34 Md. App. 612, 368 A.2d 509 (1977).

Purpose of burning unimportant. — It is just as much arson intentionally to burn a building (now structure) to save money for the owner as it is to do so vindictively in order to cost the owner money. *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev’d on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

Slightest burning makes offense complete. — If there is the slightest burning of any part of the building (now structure), the offense is complete. *Fulford v. State*, 8 Md. App. 270, 259 A.2d 551 (1969), cert. denied, 257 Md. 733 (1970); *Hines v. State*, 34 Md. App. 612, 368 A.2d 509 (1977).

Burning haystack not a felony. — The act of burning a stack of hay was not a felony at common law and is not a felony under this section. *Black v. State*, 2 Md. 376 (1852).

Burden on State. — The burden is on the State to show that the burning was with a criminal design. *Hughes v. State*, 6 Md. App. 389, 251 A.2d 373 (1969).

Because the law presumes all burning to be accidental, the State must overcome that presumption by proving the burning was by criminal design. *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev’d on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

The criminal design the State must prove is the eroded definition of malice which must be connected with the accused to effect sufficient evidence to convict. *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev’d on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

Presumption. — Where nothing except the burning appears, the law presumes it to have been accidental or from natural causes. *Hughes v. State*, 6 Md. App. 389, 251 A.2d 373 (1969).

Evidence of corpus delicti. — State trooper’s testimony as to the presence of gasoline widespread over the floor of a barn and over straw and baled hay, and as to an electric light

cord lying in burned straw, was sufficient evidence from which the trial judge could reasonably conclude that the corpus delicti had been proved. *Bull v. State*, 239 Md. 101, 210 A.2d 396 (1965).

To establish the corpus delicti of the statutory crime of wilfully and maliciously burning a storehouse, it must be shown that the fire did occur and that it was wilfully and maliciously set. *Hughes v. State*, 6 Md. App. 389, 251 A.2d 373 (1969).

To establish the corpus delicti of the statutory crime of wilfully and maliciously burning a school, it need only be shown that a fire did occur, that there was a burning of the building, and that the fire was wilfully and maliciously set. *Fulford v. State*, 8 Md. App. 270, 259 A.2d 551 (1969), cert. denied, 257 Md. 733 (1970).

Where the corpus delicti is established, evidence of the presence of the accused in the vicinity of the fire, whether before or after its occurrence, is always relevant to establish guilt. But the mere presence of the accused at the exact scene of the fire, coupled only with a denial that he was present, does not measure up to proof beyond a reasonable doubt that the fire was wilfully and maliciously set, particularly where the burned premises had been subjected to extensive vandalism, the door was wide open, people had been going in and out freely on the day of the fire depositing trash and other debris in the store, and there was no clear showing whether anyone went into the store after accused left. In addition, there was no indication of the use of a flammable liquid, no showing of threats to destroy the property, and no effort to show the improbability that the fire had resulted from accidental or natural causes. *Hughes v. State*, 6 Md. App. 389, 251 A.2d 373 (1969).

Proof of the corpus delicti by circumstantial evidence, to be legally sufficient, need not exclude every possible theory other than that the fire was wilfully and maliciously set. *Hughes v. State*, 6 Md. App. 389, 251 A.2d 373 (1969).

No greater degree of certainty is required when the evidence is circumstantial rather than when it is direct, for in either case the trier of fact must be convinced beyond a reasonable doubt that the fire was wilfully and maliciously set. *Hughes v. State*, 6 Md. App. 389, 251 A.2d 373 (1969).

In establishing that the fire was of incendiary origin, viz., that it was wilfully and maliciously set, it is not essential to show that some highly combustible material was employed. Incendiarism may be shown by the manner in which the fire was burned, by the presence of an odor of flammable liquid, by the fact that combustible materials or flammable liquids or their containers were found on the burned premises, by demonstrating the improbability that the fire had resulted from accidental or natural causes,

by evidence of threats to destroy the property, by the isolation of the premises, by the absence of any natural cause for the fire, by the precautions taken to avoid a fire, or other facts of similar import tending to show that the fire had an incendiary origin. *Hughes v. State*, 6 Md. App. 389, 251 A.2d 373 (1969); *List v. State*, 18 Md. App. 578, 308 A.2d 451 (1973); *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev'd on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

There being no evidence that the "set fires" were communicated to any part of the structure itself, an indispensable element of proof of the corpus delicti of the crime under this section and charged in the indictment was missing. *Hines v. State*, 34 Md. App. 612, 368 A.2d 509 (1977).

Evidence that "the place was full of smoke," coupled with appellant's extrajudicial statement to a witness that "the place was burning when he left," was insufficient proof of the burning of the building (now structure), an element of the corpus delicti. *Hines v. State*, 34 Md. App. 612, 368 A.2d 509 (1977).

Proof of the corpus delicti in an arson case is usually a difficult matter, as a burning is almost invariably done in a clandestine manner, so that the prosecution usually must depend on circumstantial evidence. The character of the evidence to prove the corpus delicti and its sufficiency for that purpose, depend largely upon the circumstances of each particular case. *Hughes v. State*, 6 Md. App. 389, 251 A.2d 373 (1969).

Evidence showed that fire was of incendiary origin in that it was wilfully and maliciously set. *Fulford v. State*, 8 Md. App. 270, 259 A.2d 551 (1969), cert. denied, 257 Md. 733 (1970).

Malice undefined. — The General Assembly never defined malice in its role as an essential element of the crime of arson. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

Evidence as to malice or motive admissible. — Generally, evidence tending to show malice or motive is admissible in arson cases. *Nasim v. State*, 34 Md. App. 65, 366 A.2d 70 (1976), cert. denied, 434 U.S. 868, 98 S. Ct. 209, 54 L. Ed. 2d 146, rehearing denied, 434 U.S. 977, 98 S. Ct. 541, 54 L. Ed. 2d 471 (1977).

Circumstantial evidence. — The clandestine nature of arson ordinarily necessitates that malice be proved by circumstantial evi-

dence and such proof may take many forms. *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev'd on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

"Maliciously" and "wilfully" distinguished. — "Maliciously" differs from "wilfully," the latter commonly interpreted as meaning "intentionally." *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

"Malicious act" defined. — Malicious act is one intended to bring harm to another person. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

Ill will need not be shown. — Ill will need not be shown to prove wilfulness and maliciousness. *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev'd on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

Confessions admissible and sufficient to support conviction. — In a prosecution for arson there was sufficient evidence of the corpus delicti to make confessions admissible and sufficient to support conviction when considered in connection with confessions. *Bollinger v. State*, 208 Md. 298, 117 A.2d 913 (1955).

Admission by accused as corroborative evidence. — Where the defendant was charged under this section as an accessory before the fact, i.e., not with committing an arson but of counseling or procuring it, and the defendant's own testimony that he vigorously pursued the burning of a clubhouse corroborated the witness' testimony that the defendant conversed with her regarding the burning of the building, but for a confession, it is hard to conjure better corroborative evidence of a criminal conversation procuring an unlawful burning of a building than the admission of an accused that he did indeed insist that the transgressor "vigorously pursue the burning" of that building. *Brown v. State*, 39 Md. App. 497, 388 A.2d 130 (1978), rev'd on other grounds, 285 Md. 469, 403 A.2d 788 (1979).

Sufficiency of evidence to sustain conviction. — In a prosecution for barn burning there was sufficient proof to sustain a conviction. *Bull v. State*, 239 Md. 101, 210 A.2d 396 (1965).

Stated in *White v. State*, 223 Md. App. 353, 116 A.3d 520 (2015).

Cited in *In re Timothy C.*, 376 Md. 414, 829 A.2d 1024 (2003); *Wright v. State*, — Md. App. —, — A.3d —, 2019 Md. App. LEXIS 252 (Mar. 22, 2019).

§ 6-104. Malicious burning of personal property in the first degree.

(a) *Scope of section.* — This section applies to a violation involving property damage of \$1,000 or more.

(b) *Prohibited.* — A person may not willfully and maliciously set fire to or burn the personal property of another.

(c) *Penalty.* — A person who violates this section is guilty of the felony of malicious burning in the first degree and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both. (An. Code 1957, art. 27, § 8(a)(1), (3); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 8(a)(1) and (3).

In subsection (b) of this section, the former reference to another "person" is deleted as implicit and for consistency within this article.

Defined terms:

"Maliciously" § 6-101
 "Person" § 1-101
 "Willfully" § 6-101

University of Baltimore Law Review. — For note, "The 1977 Maryland Wiretapping and Electronic Surveillance Act," see 7 U. Balt. L. Rev. 374 (1978).

Scope of arson widened beyond common law limits. — The General Assembly has widened the scope of arson beyond its common law

limits. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

Malice undefined. — The General Assembly never defined malice in its role as an essential element of the crime of arson. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

§ 6-105. Malicious burning of personal property in the second degree.

(a) *Scope of section.* — This section applies to a violation involving property damage of less than \$1,000.

(b) *Prohibited.* — A person may not willfully and maliciously set fire to or burn the personal property of another.

(c) *Penalty.* — A person who violates this section is guilty of the misdemeanor of malicious burning in the second degree and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both. (An. Code 1957, art. 27, § 8(a)(1), (2); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 8(a)(1) and (2).

In subsection (b) of this section, the former reference to another "person" is deleted as implicit and for consistency within this article.

Defined terms:

"Maliciously" § 6-101
 "Person" § 1-101
 "Willfully" § 6-101

University of Baltimore Law Review. — For note, “The 1977 Maryland Wiretapping and Electronic Surveillance Act,” see 7 U. Balt. L. Rev. 374 (1978).

Scope of arson widened beyond common law limits. — The General Assembly has widened the scope of arson beyond its common law

limits. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

Malice undefined. — The General Assembly never defined malice in its role as an essential element of the crime of arson. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

§ 6-106. Burning with intent to defraud.

(a) *Prohibited.* — A person may not set fire to or burn property of any kind with the intent to defraud another.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(c) *Statute of limitations and in banc review.* — A person who violates this section is subject to § 5-106(b) of the Courts Article.

(d) *Sentence.* — A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section. (An. Code 1957, art. 27, § 8(b); 2002, ch. 26, § 2.)

REVISOR’S NOTE

This Revisor’s note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 8(b).

In subsection (a) of this section, the reference to defrauding “another” is added for clarity.

In subsection (c) of this section, the reference to a violation being “subject to § 5-106(b) of the Courts Article” is substituted for the former reference to the violation subjecting the defendant to imprisonment “in the penitentiary” for clarity and consistency within this article. See General Revisor’s Note to article.

In subsection (d) of this section, the reference to any “crime” is substituted for the former

reference to any “offense” for consistency within this article. See General Revisor’s Note to article.

Also in subsection (d) of this section, the reference to establishing the “violation of this section” is substituted for the former reference to establishing the “offense” for clarity.

Also in subsection (d) of this section, the former reference to “acts” is deleted as unnecessary in light of Art. 1, § 8, which provides that the singular generally includes the plural.

Defined term:

“Person” § 1-101

University of Baltimore Law Review. — For note, “The 1977 Maryland Wiretapping and Electronic Surveillance Act,” see 7 U. Balt. L. Rev. 374 (1978).

Scope of arson widened beyond common law limits. — The General Assembly has wid-

ened the scope of arson beyond its common law limits. *Brown v. State*, 285 Md. 469, 403 A.2d 788 (1979).

§ 6-107. Threat of arson.

(a) *Prohibited.* — A person may not threaten verbally or in writing to:

- (1) set fire to or burn a structure; or
- (2) explode a destructive device, as defined in § 4-501 of this article, in, on, or under a structure.

(b) *Penalty*. — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both. (An. Code 1957, art. 27, § 9; 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 9.

For provisions on false statements relating to and representations of destructive devices, see §§ 9-504 and 9-505 of this article.

Defined terms:

"Person" § 1-101

"Structure" § 6-101

Threat to explode bomb. — The gravamen of a prior, similar version of § 9-501 of this article is the transmitting of a false report with respect to the location and/or possible detonation of an existing bomb, whereas the grava-

men of this section is the making of the threat itself, whether it be true or false. *Moosavi v. State*, 355 Md. 651, 736 A.2d 285 (1999), reversing *Moosavi v. State*, 118 Md. App. 683, 703 A.2d 1302 (1998).

§ 6-108. Burning trash container.

(a) *Prohibited*. — A person may not willfully and maliciously set fire to or burn the contents of a dumpster or trash receptacle that belongs to another.

(b) *Penalty*. — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$500 or both. (An. Code 1957, art. 27, § 9A; 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section formerly was Art. 27, § 9A.

In subsection (a) of this section, the former reference to a "trash container" is deleted as included in the reference to a "trash receptacle".

Also in subsection (a) of this section, the former reference to another "person" is deleted

as implicit and for consistency within this article.

The only other changes are in style.

Defined terms:

"Maliciously" § 6-101

"Person" § 1-101

"Willfully" § 6-101

§ 6-109. Attempt to burn structure or property.

Placing or distributing a flammable, explosive, or combustible material or device in or near a structure or personal property in preparation for burning the structure or property is an attempt to burn the structure or property. (An. Code 1957, art. 27, § 9B(a); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 9B(a).

The former reference to a "substance" is deleted as included in the reference to a "material".

Defined term:
"Structure"

§ 6-101

§ 6-110. Separate units — Separate violations.

If a structure is divided into separately owned or leased units, each unit is a separate structure for purposes of prosecution under this subtitle. (An. Code 1957, art. 27, § 9B(b); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 9B(b).

Defined term:
"Structure"

§ 6-101

Editor's note. — This section reflects the holding in *Richmond v. State*, 326 Md. 257, 604 A.2d 483 (1992) concerning the unit of prosecution.

Separate offenses shown. — Each of the separate apartments in a building, occupied by

separate tenants, constitutes a separate dwelling house; thus, each apartment burning was a separate offense of arson. *Richmond v. State*, 326 Md. 257, 604 A.2d 483 (1992).

§ 6-111. Charging document.

(a) *In general.* — An indictment, information, warrant, or other charging document for a crime under this subtitle is sufficient if it substantially states: "name of defendant) on (date) in (county) burned or set fire to (describe property) or (describe other violation) in violation of (section violated) against the peace, government, and dignity of the State."

(b) *Bill of particulars.* — If the general form of indictment or information described in subsection (a) of this section is used to charge a crime under this subtitle in a case in the circuit court, the defendant, on timely demand, is entitled to a bill of particulars. (An. Code 1957, art. 27, § 11; 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 11.

In subsection (a) of this section, the former references to "unlawfully" burning or setting fire to property are deleted as implicit in the reference to "a violation of (section violated)".

Also in subsection (a) of this section, the former archaic phrase "contrary to the form of the act of assembly in such case made and provided" is deleted as surplusage.

For specific time limits relating to a bill of particulars, see Md. Rule 4-241.

Defined term:
"County"

§ 1-101

TITLE 8.

FRAUD AND RELATED CRIMES.

Subtitle 5. Public Fraud.

Part III. Other Public Fraud.

§ 8-520. Fundraising.

(a) *“Public safety officer” defined.* — In this section, “public safety officer” means:

- (1) a police officer;
- (2) a paid or volunteer fire fighter;
- (3) an emergency medical technician;
- (4) a rescue squad member;
- (5) the State Fire Marshal; or
- (6) a sworn officer of the State Fire Marshal.

(b) *Scope of section.* — This section does not prohibit, limit, or interfere with the right of an off-duty public safety officer who is not in uniform from participating in a charitable or other fundraising campaign.

(c) *Prohibited.* — A person may not encourage, solicit, or receive contributions of money or any thing of value for, or offer any thing for sale in, a charitable or other fundraising campaign by representing to the public that the charitable or other fundraising campaign is approved by:

(1) a police or fire department in the State without the prior written consent of the chief administrative officer of the police or fire department or from the chief administrative officer’s designee; or

(2) a public safety officer or member of the family of a public safety officer without the prior written consent of the public safety officer or a family member of the public safety officer.

(d) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding \$1,000 or both for each violation. (An. Code 1957, art. 27, § 233A; 2002, ch. 26, § 2.)

REVISOR’S NOTE

This Revisor’s note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 233A.

In subsection (c) of this section, the references to a “thing” of value are substituted for the former references to “items” of value for clarity and consistency within this article.

Also in subsection (c) of this section, the former phrase “or to prospective donors” is deleted as included in the comprehensive reference to the “public”.

Also in subsection (c) of this section, the former reference to any police or fire department “of any jurisdiction within this State” is deleted as redundant.

Also in subsection (c) of this section, the former word “donations” is deleted as included in the word “contributions”.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in subsection (a) of this section, the defined term “public safety officer” does not include a sheriff.

Defined term:

“Person”

§ 1-101

TITLE 9.

CRIMES AGAINST PUBLIC ADMINISTRATION.

*Subtitle 5. False Statements.***§ 9-504. False statement — Concerning destructive device or toxic material.**

(a) *Scope of section.* — This section does not apply to a statement made or rumor circulated by an officer, employee, or agent of a bona fide civilian defense organization or unit, if made in the regular course of the person's duties.

(b) *Prohibited.* — A person may not circulate or transmit to another, with intent that it be acted on, a statement or rumor that the person knows to be false about the location or possible detonation of a destructive device or the location or possible release of toxic material, as those terms are defined in § 4-501 of this article.

(c) *Penalty.* — A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(d) *Venue.* — A crime under this section committed using a telephone or other electronic means may be prosecuted in the county in which:

(1) the communication originated;

(2) the communication was received; or

(3) the destructive device or toxic material was stated or was rumored to be located.

(e) *Restitution.* — (1) In addition to the penalty provided in subsection (c) of this section, a court may order a person convicted or found to have committed a delinquent act under this section to pay restitution to:

(i) the State, county, municipal corporation, bicounty unit, multicounty unit, county board of education, public authority, or special taxing district for actual costs reasonably incurred in responding to a location and searching for a destructive device as a result of a violation of this section; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property as a result of a violation of this section.

(2) This subsection may not be construed to limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

(3) (i) If the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the minor, the minor's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(f) *License suspension of minor.* — In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle

Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

- (1) for a first violation, 6 months; and
- (2) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer. (An. Code 1957, art. 27, § 151A; 2002, ch. 26, § 2; ch. 351; 2006, ch. 429; 2016, ch. 612.)

SPECIAL REVISOR'S NOTE

This Special Revisor's note comprises information related to the revision by Acts 2002, ch. 26 and other chapters amending this section from the 2002 Legislative Session.

As enacted by Ch. 26, Acts of 2002, this section was new language derived without substantive change from former Art. 27, § 151A. However, Ch. 351, Acts of 2002, substituted the phrase "in responding to a location and searching" for a destructive device for the phrase "due to the response to a location and search" for a device enacted by Ch. 26 in subsection (e)(1)(i) of this section.

In subsection (b) of this section, the phrase "written, printed, by any electronic means, or by word of mouth" which formerly modified "statement" or "rumor" was deleted by Ch. 26 as surplusage.

In subsection (c) of this section, the former reference to a violator being subject to imprisonment or fine "in the discretion of the court" was deleted by Ch. 26 as implicit in the establishment of maximum penalties.

Subsection (d) of this section was revised by Ch. 26 as a venue provision for clarity.

In subsection (d) of this section, the references to "communication" were substituted by

Ch. 26 for the former phrase "telephone call or calls or electronic communication" for brevity.

In subsection (e)(1)(i) of this section, the word "unit" was substituted by Ch. 26 for the former word "agency" for consistency within this article. *See* General Revisor's Note to article.

In subsections (e)(3) and (f) of this section, the defined term "minor" was substituted by Ch. 26 for the former defined term "child" for consistency within this article.

In subsection (f)(2) of this section, the reference to "each" subsequent violation was substituted by Ch. 26 for the former reference to "a second or" subsequent violation for consistency within this article.

Former Art. 27, § 151A(a), which defined "child" to mean a person under the age of 18 years, was deleted by Ch. 26 as duplicative of the term "minor" defined in § 1-101 of this article.

For provisions relating to destructive devices, *see* Title 4, Subtitle 5 of this article.

Defined terms:

"County"	§ 1-101
"Minor"	§ 1-101
"Person"	§ 1-101

Effect of amendments. — Chapter 612, Acts 2016, effective October 1, 2016, reenacted (b) without change, added (d)(3), and made stylistic and related changes throughout (d).

Gravamen of section. — The gravamen of a prior version of this section is the transmitting of a false report with respect to the location and/or possible detonation of an existing bomb, whereas the gravamen of a prior version of § 6-107 of this article is the making of the threat itself, whether it be true or false. *Moosavi v. State*, 355 Md. 651, 736 A.2d 285 (1999).

No merger with armed robbery. — Circuit court sentenced defendant properly to two separate terms of incarceration, one term for robbery with a deadly or dangerous weapon and another term for making a false statement concerning a destructive device, because defendant's convictions for aggravated robbery and making a false statement concerning a destruc-

tive device each required proof of a fact which the other did not; therefore, the offenses did not merge under the required evidence test. *Latray v. State*, 221 Md. App. 544, 109 A.3d 1265 (2015).

Defendant's convictions for aggravated robbery and making a false statement concerning a destructive device did not merge under the rule of lenity because there was no indication that the Legislature intended that the offenses had to merge for sentencing purposes; the absence of an anti-merger provision indicates that the Legislature did not address explicitly the topic of merger in the statutory scheme, but nothing more may be inferred from it. *Latray v. State*, 221 Md. App. 544, 109 A.3d 1265 (2015).

Circuit court sentenced defendant properly to two separate terms of incarceration, one term for robbery with a deadly or dangerous weapon and another term for making a false statement concerning a destructive device, because defen-

dant committed separate and distinct acts to complete the robbery and make a false bomb threat charges; it was not unfair to uphold multiple punishments because making a false statement concerning a destructive device and aggravated robbery punished separate harms. *Latray v. State*, 221 Md. App. 544, 109 A.3d 1265 (2015).

Making a false bomb threat and aggravated robbery are wholly distinct crimes intended to

punish separate harms because the two offenses are codified under separate sections of the Criminal Law Article; making a false bomb threat is promulgated under “Crimes Against Administration” and aggravated robbery falls under “Other Crimes Against the Person.” *Latray v. State*, 221 Md. App. 544, 109 A.3d 1265 (2015).

§ 9-505. Representation of destructive device.

(a) *Prohibited.* — A person may not manufacture, possess, transport, or place:

(1) a device or container that is labeled as containing or is intended to represent a toxic material, as defined in § 4-501 of this article, with the intent to terrorize, frighten, intimidate, threaten, or harass; or

(2) a device that is constructed to represent a destructive device, as defined in § 4-501 of this article, with the intent to terrorize, frighten, intimidate, threaten, or harass.

(b) *Penalty.* — A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(c) *Restitution.* — (1) In addition to the penalty provided in subsection (b) of this section, a person convicted or found to have committed a delinquent act under this section may be ordered by the court to pay restitution to:

(i) the State, county, municipal corporation, bicounty unit, multicounty unit, county board of education, public authority, or special taxing district for actual costs reasonably incurred as a result of a violation of this section; and

(ii) the owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property as a result of a violation of this section.

(2) This subsection may not be construed to limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

(3) (i) If the person convicted or found to have committed a delinquent act in violation of this section is a minor, the court may order the minor, the minor’s parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(d) *License suspension of minor.* — In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this section is a minor, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the minor for a specified period not to exceed:

(1) for a first violation, 6 months; and

(2) for each subsequent violation, 1 year or until the person is 21 years old, whichever is longer. (An. Code 1957, art. 27, § 151C; 2002, ch. 26, § 2; ch. 351; 2005, ch. 201; 2006, ch. 429.)

SPECIAL REVISOR'S NOTE

This Special Revisor's note comprises information related to the revision by Acts 2002, ch. 26 and other chapters amending this section from the 2002 Legislative Session.

As enacted by Ch. 26, Acts of 2002, this section was new language derived without substantive change from former Art. 27, § 151C. However, Ch. 351, Acts of 2002, substituted the reference to "responding to a location and searching for and removing" of a device for the reference to "the search for and removal" of a device enacted by Ch. 26 in subsection (c)(1)(i) of this section.

In subsection (c)(1)(i) of this section, the word "unit" was substituted by Ch. 26 for the former word "agency" for consistency within this article. See General Revisor's Note to article.

Also in subsection (c)(1)(i) of this section, the reference to a "device that is constructed to represent" a destructive device was substituted by Ch. 26 for the former reference to the "representation of" a destructive device for clarity and consistency within this section.

In subsections (c)(3) and (d) of this section, the defined term "minor" was substituted by Ch. 26 for the former defined term "child" for consistency within this article.

In subsection (d)(1) and (2) of this section, the references to a "violation" were substituted by Ch. 26 for the former references to an "offense"

for consistency within this article. See General Revisor's Note to article.

In subsection (d)(2) of this section, the reference to "each" subsequent violation was substituted by Ch. 26 for the former reference to "a second or" subsequent violation for consistency within this article.

Former Art. 27, § 151C(a), which defined "child" to mean a person under the age of 18 years, was deleted by Ch. 26 as duplicative of the term "minor" defined in § 1-101 of this article.

The Criminal Law Article Review Committee noted, for the consideration of the General Assembly, that the restitution to government units under subsection (c)(1)(i) of this section only included costs "in the search for and removal of" a representation of a destructive device, whereas the restitution available to government units under § 9-504(e)(1)(i) of this subtitle includes costs "due to the response to a location and search" for a destructive device or toxic material. The General Assembly was asked to consider addressing the disparity in the restitution available to government units under these two provisions. Chapter 351 addressed this concern.

Defined terms:

"County"	§ 1-101
"Minor"	§ 1-101
"Person"	§ 1-101

Subtitle 6. Interference with Government Operations.

Part I. In General.

§ 9-602. State personnel monitoring or recording telephone conversation.

(a) *Prohibited.* — (1) Except as provided in paragraph (2) of this subsection, a State official or employee may not directly or indirectly monitor or record in any manner a telephone conversation made to or from a State unit.

(2) If prior approval is granted by the Attorney General, a State official or employee may monitor or record a telephone conversation:

(i) on telephone lines used exclusively for incoming police, fire, and rescue calls; or

(ii) with recorder-connector equipment that automatically produces a distinctive recorder tone repeated at approximately 15-second intervals.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(c) *Dismissal.* — Conviction of a violation of this section is also grounds for immediate dismissal from State employment. (An. Code 1957, art. 27, § 555B; 2002, ch. 26, § 2; 2003, ch. 21, § 1.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 555B.

In subsection (a) of this section, the reference to authorizing a State official or employee to monitor or record a telephone conversation on telephone lines used exclusively for incoming police, fire, and rescue calls with prior approval of the Attorney General is substituted for the former qualification that on telephone lines used for incoming police, fire, and rescue calls "it is not necessary to append" a recorder tone for clarity.

Also in subsection (a) of this section, the former phrase "contains a device" is deleted as surplusage.

Subsection (a)(2) of this section is revised to require only a single approval from the Attorney General to monitor a telephone conversation generally, using a 15-second beep tone, and to monitor a line used exclusively for incoming police, fire, and rescue calls, known as a "tone waiver eligible" telephone line and on which the

beep tone is not used. Former Art. 27, § 555B(a) was unclear as to whether a single approval for monitoring sufficed, or whether a second, specific approval was needed to monitor without the beep tone on a tone waiver eligible line. The Attorney General advises that the practice has been to regard the general approval to monitor as tacit approval to monitor on a tone waiver eligible line. The revision reflects the practice of the Attorney General. See Letter of Advice from Attorney General J. Joseph Curran, Jr. to Judge Alan M. Wilner, p. 16 (October 17, 2000).

In subsection (b) of this section, the phrase "guilty of a misdemeanor" is added to state explicitly that which was only implied by the former law. In this State, any crime that was not considered a felony at common law and has not been declared a felony by statute is considered a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 354 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Defined term:

"Person"

§ 1-101

Conversations under section and private conversations of person suspected of crime distinguished. — The conversations referred to in former Art. 27, § 555B (see now this section) are in an entirely different class from the private conversations or conduct of a person suspected of crime. In the first instance the interest sought to be protected is the public interest of the State; in the latter instance the interest involved is the personal interest of an individual suspected of crime. *Avery v. State*, 15 Md. App. 520, 292 A.2d 728, cert. denied, 266

Md. 733 (1972), appeal dismissed, 410 U.S. 977, 93 S. Ct. 1499, 36 L. Ed. 2d 173 (1973).

The Fourteenth Amendment does not require that private conversations or conduct of a person suspected of crime be treated equally with conversations with a State department or agency under former Art. 27, § 555B (see now this section). *Avery v. State*, 15 Md. App. 520, 292 A.2d 728, cert. denied, 266 Md. 733 (1972), appeal dismissed, 410 U.S. 977, 93 S. Ct. 1499, 36 L. Ed. 2d 173 (1973).

§ 9-603. Prerecorded emergency message.

(a) *Prohibited.* — Except as provided in subsection (b) of this section, a person may not use a device that dials by remote control a preprogrammed telephone number and transmits a prerecorded message communicating an existing emergency condition, including fire, illness, or crime, without written approval for the use of the device from the holder of the number dialed.

(b) *Applicability.* — This section does not apply to:

(1) a State or local law enforcement agency that is conducting an official investigation or communicating an emergency condition;

(2) a State or local emergency management agency that is communicating an emergency condition; or

(3) a person that is specifically designated by an agency described in item (1) or (2) of this subsection to participate in an official investigation or communicate an emergency condition.

(c) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50 for each violation. (An. Code 1957, art. 27, § 557B; 2002, ch. 26, § 2; 2006, ch. 386.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 557B.

In subsection (a) of this section, the phrase "recipient of the message" is substituted for the former phrase "each holder of the telephone, which receives the prerecorded message" for clarity.

In subsection (b) of this section, the former reference to a "firm, or corporation" is deleted in light of the defined term "person".

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that subsection (a) of this section

appears to prohibit the mere attachment of remote dialing equipment rather than its use to transmit a message to a holder of the receiving telephone number. As a result, a person who attaches remote dialing equipment that dials many numbers whose holders have not approved use of the remote dialer would be chargeable only with one violation subject to a \$50 fine, not: (1) \$50 multiplied by the number of unapproving receiving numbers, or (2) \$50 multiplied by the number of remote dialing incidents. The General Assembly may wish to address these matters in substantive legislation.

Defined term:

"Person"

§ 1-101

§ 9-604. False alarm.

(a) *Prohibited.* — A person may not knowingly make or cause to be made a false:

- (1) fire alarm; or
- (2) call for an ambulance or rescue squad.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both. (An. Code 1957, art. 27, § 156; 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 156.

In subsection (a) of this section, the phrase "make or cause to be made" is substituted for the former phrase "give or cause to be given" for clarity.

Also in subsection (a) of this section, the former references to a "telegraph box connected

with any fire alarm telegraph or . . . telephone or telegraph system, or . . . other means or method" and to a "telephone or . . . other means or method" are deleted as surplusage.

In subsection (b) of this section, the former reference to both "fine and imprisonment" is deleted as surplusage and for consistency within this article.

Defined term:

"Person"

§ 1-101

GENERAL REVISOR'S NOTE TO PART

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that many of the electronic means of conveying false messages that interfere with governmental operations today are not covered by the provisions revised in this part. Cable

equipment, computer networks, and hybrid wireless devices, as examples, are all capable of being used to send false alarms and related information to governmental units. The General Assembly may wish to address the scope of this part in substantive legislation.

Maryland Law Review. — For comment, “The Psychologist as Expert Witness: Science in the Courtroom,” see 38 Md. L. Rev. 539 (1979).

Part II. Alarm Systems.

§ 9-607. Definitions.

(a) *In general.* — In this part the following words have the meanings indicated.

REVISOR’S NOTE

This subsection formerly was Art. 27, § 156A(a).

The reference to this “part” is substituted for the former erroneous reference to this “subti-

tle” to reflect the reorganization of material derived from the former “Burglary and Robbery False Alarm” subheading in Article 27.

No other changes are made.

(b) *Alarm system.* — “Alarm system” means a burglary alarm system, robbery alarm system, or automatic fire alarm system.

REVISOR’S NOTE

This subsection formerly was Art. 27, § 156A(c).

No changes are made.

(c) *Alarm system contractor.* — (1) “Alarm system contractor” means a person who installs, maintains, monitors, alters, or services alarm systems.

(2) “Alarm system contractor” does not include a person who only manufactures or sells alarm systems.

REVISOR’S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 156A(d).

In paragraph (1) of this subsection, the former reference to an “agency that furnishes the services of a person engaged in” is deleted as included in the defined term “person”.

Also in paragraph (1) of this subsection, the former phrase “engaged in” is deleted as surplusage.

In paragraph (2) of this subsection, the defined term “alarm system[s]” is substituted for

the former term “alarm devices” for consistency within this part.

Also in paragraph (2) of this subsection, the former phrase “unless that person services, installs, monitors, or responds to alarm systems at protected premises” is deleted as surplusage since such a person is included in the term “alarm system contractor” defined in paragraph (1) of this subsection.

Defined term:

“Person”

§ 1-101

(d) *Alarm user.* — “Alarm user” means:

(1) a person in control of an alarm system within, on, or around any building, structure, facility, or site; or

(2) the owner or lessee of an alarm system.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 156A(e).

Defined term:
"Person"

§ 1-101

(e) *False alarm.* — (1) "False alarm" means a request for immediate assistance from a law enforcement unit or fire department regardless of cause that is not in response to an actual emergency situation or threatened suggested criminal activity.

(2) "False alarm" includes:

- (i) a negligently or accidentally activated signal;
- (ii) a signal that is activated as the result of faulty, malfunctioning, or improperly installed or maintained equipment; and
- (iii) a signal that is purposely activated in a nonemergency situation.

(3) "False alarm" does not include:

- (i) a signal activated by unusually severe weather conditions or other causes beyond the control of the alarm user or alarm system contractor; or
- (ii) a signal activated within 60 days after a new installation of an alarm system.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 156A(g)(1), (2), and (3).

(f) *Law enforcement unit.* — "Law enforcement unit" means the Department of State Police, the police department of a county or municipal corporation, and a sheriff's department or other governmental law enforcement unit having employees authorized to make arrests.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 156A(f).

The word "unit" is substituted for the former word "agency" for consistency within this article. See General Revisor's Note to article.

The former reference to "Baltimore City Police" is deleted as included in the reference to the "police department of a county" since Baltimore City is included in the defined term "county". See § 1-101 of this article.

The reference to a "municipal corporation" is substituted for the former reference to an "incorporated municipality" to conform to usage in Md. Constitution, Art. XI-E.

The reference to a "governmental" law enforcement unit is added for clarity. The Criminal Law Article Review Committee brings this addition to the attention of the General Assembly.

Defined term:
"County"

§ 1-101

(g) *Signal.* — "Signal" means the activation of an alarm system that requests a response by a law enforcement unit or a fire department.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 156A(b).

In this subsection, the word "signal" is substituted for the former phrase "[a]llarm signal" for clarity and consistency within this part.

(An. Code 1957, art. 27, § 156A(a)-(f), (g)(1)-(3); 2002, ch. 26, § 2.)

REVISOR'S NOTE TO SECTION

The Revisor's notes in this section comprise information related to the revision by Acts 2002, ch. 26.

§ 9-608. Nonemergency activation of signal.

(a) *Prohibited.* — A person may not intentionally activate a signal for a nonemergency situation.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both. (An. Code 1957, art. 27, § 156B; 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

Defined terms:

“Person” § 1-101
“Signal” § 9-607

This section is new language derived without substantive change from former Art. 27, § 156B.

§ 9-609. Multiple false alarms.

(a) *Scope of section.* — This section does not apply:

(1) to alarm systems activated by weather conditions or causes beyond the control of the alarm user;

(2) in Frederick County if regulations are adopted under § 12-806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation;

(3) in Calvert County if the Board of County Commissioners of Calvert County adopts regulations under § 12-806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation; or

(4) in Washington County if the Board of County Commissioners of Washington County adopts regulations under § 12-806 of the Local Government Article providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation.

(b) *Rule of construction — Occurrences as single alarm.* — An alarm system that is activated more than once within a 12-hour period when a premises with an alarm system is unoccupied and that is not in response to an actual emergency situation or threatened suggested criminal activity constitutes one false alarm if:

(1) access to the building is provided to the alarm system contractor; and

(2) an alarm system contractor or an employee of an alarm system contractor responds to the activated alarm system.

(c) *Civil citation and penalty.* — (1) A law enforcement unit or fire department may issue a civil citation to an alarm user for the negligent or accidental activation of an alarm system as a result of faulty, malfunctioning, or improperly installed or maintained equipment or for a false alarm if the number of activations or false alarms to which the law enforcement unit or fire department responds exceeds:

- (i) three responses within a 30-day period; or
- (ii) eight responses within a 12-month period.

(2) A civil citation issued under this section shall assess a penalty of \$30 for each negligent or accidental activation or false alarm. (An. Code 1957, art. 27, §§ 156A(g)(4)(i), 156C; 2002, ch. 26, § 2; 2005, ch. 25, § 1; ch. 72; 2013, ch. 119, § 14; 2014, ch. 645.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, §§ 156C and 156A(g)(4)(i).

In subsection (a)(1) of this section, the former reference to “acts of God” is deleted as included in the reference to “causes beyond the control of the alarm user”.

Subsection (a)(2) and (3) of this section is revised as two separate paragraphs, relating to Frederick County and Calvert County, respectively, to avoid the unintended consequence in former Art. 27, § 156C(a) that action by the board of county commissioners of either county would exempt both counties from this section.

In subsection (a)(3) of this section, the reference to Article 25, § “236D” of the Code is substituted for the former incorrect reference to “§ 237” for accuracy.

In subsection (b) of this section, the reference to an alarm system activated “more than once” within a specific period is substituted for the former reference to an alarm system activated “a second time” within a specific period for clarity.

Former Art. 27, § 156A(g)(4)(ii), which provided that failing to comply with certain conditions would result in multiple alarms being treated as such, is deleted as surplusage, since those conditions, which are revised in subsection (b) of this section, must be met before multiple alarms may be treated as a single false alarm.

Defined terms:

“Alarm system”	§ 9-607
“Alarm system contractor”	§ 9-607
“Alarm user”	§ 9-607
“False alarm”	§ 9-607
“Law enforcement unit”	§ 9-607

Effect of amendments. — Chapter 645, Acts 2014, effective December 1, 2014, substituted “regulations are adopted” for “the Board of County Commissioners of Frederick County adopts regulations” in (a)(2).

Editor's note. — Section 14, ch. 119, Acts 2013, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assem-

bly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2013 that affects provisions enacted by this Act. The publisher shall adequately describe such correction in an editor's note following the section affected.” Pursuant to § 14, ch. 119, Acts 2013, “§ 12-806 of the Local Government Article” was substituted for “Article 25, § 221A of the Code” in (a)(2), for “Article 25, § 236D of the Code” in (a)(3), and for “Article 25, § 236E of the Code” in (a)(4).

§ 9-610. Defective alarm system.

(a) *“Defective alarm system” defined.* — In this section, “defective alarm system” means an alarm system that activates:

- (1) more than three false alarms within a 30-day period; or
- (2) eight or more false alarms within a 12-month period.

(b) *Notice of defect; report.* — (1) A law enforcement unit or fire department that responds to false alarms from a defective alarm system shall provide written notice of the defective condition to the alarm user.

(2) The alarm user, within 30 days after receiving the notice, shall:

- (i) 1. if qualified, inspect the alarm system; or
- 2. have the alarm system inspected by an alarm system contractor;

and

(ii) within 15 days after the inspection, file with the law enforcement unit or fire department that issued the notice a written report that contains the:

- 1. result of the inspection;
- 2. probable cause of the false alarms; and
- 3. recommendations or action taken to eliminate the false alarms.

(c) *Prohibited.* — An alarm user may not use a defective alarm system after receiving a written notice under subsection (b) of this section.

(d) *Penalty.* — A person who violates subsection (c) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both. (An. Code 1957, art. 27, § 156D; 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 156D.

In subsection (b) of this section, the reference to responding to false alarms from "a defective alarm system" is substituted for the former reference to "answer[ing] to false alarms" in order to clarify the circumstances in which written notice is required.

In subsection (c) of this section, the reference to using a defective alarm system "after receiv-

ing a written notice under subsection (b) of this section" is substituted for the former reference to "continu[ing] to use" a defective alarm system for clarity and consistency within this section.

Defined terms:

"Alarm system"	§ 9-607
"Alarm system contractor"	§ 9-607
"Alarm user"	§ 9-607
"False alarm"	§ 9-607
"Law enforcement unit"	§ 9-607
"Person"	§ 1-101

§ 9-611. Audible alarm system.

(a) *"Audible alarm system" defined.* — In this section, "audible alarm system" means an alarm system that, when activated, emits an audible noise from an annunciator.

(b) *Required equipment.* — An audible alarm system shall be equipped to:

(1) automatically silence the annunciator within 30 minutes after activation; and

(2) allow an accidental or negligent activation to be halted or reset.

(c) *Prohibited.* — An alarm system contractor may not sell, lease, rent, or offer to sell, lease, or rent an audible alarm system that does not comply with the requirements of this section.

(d) *Penalty.* — A person who violates this section is subject to a civil penalty of \$100 for each violation. (An. Code 1957, art. 27, § 156E; 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

Subsection (a) of this section is new language added for clarity.

Subsections (b), (c), and (d) of this section are new language derived without substantive change from former Art. 27, § 156E.

Defined terms:

"Alarm system"	§ 9-607
"Alarm system contractor"	§ 9-607
"Person"	§ 1-101

TITLE 10.

CRIMES AGAINST PUBLIC HEALTH, CONDUCT, AND SENSIBILITIES.

*Subtitle 3. Hate Crimes.***§ 10-301. Definitions.**

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Homeless.* — "Homeless" means:

- (1) lacking a fixed, regular, and adequate nighttime residence; or
- (2) having a primary nighttime residence that is:

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(ii) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(c) *Sexual orientation.* — "Sexual orientation" means the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender-related identity. (2005, ch. 571; 2009, ch. 201.)

Effect of amendments. — Chapter 201, Acts 2009, effective October 1, 2009, added (a) and (b); added the (c) designation; in (c) deleted "In this subtitle" at the beginning; and made a stylistic change.

§ 10-302. Damaging property of religious entity.

A person may not deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy, personal or real property that is owned, leased, or used by a religious entity or for any religious purpose including:

- (1) a place of worship;
- (2) a cemetery;
- (3) a religious school, educational facility, or community center; and
- (4) the grounds adjacent to them. (An. Code 1957, art. 27, § 470A(a)(1), (3), (b)(1); 2002, ch. 26, § 2; 2005, chs. 482, 571; 2019, chs. 28, 29.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 470A(a)(1) and (3) and (b)(1).

In this section, the term "religious real property" defined in former Art. 27, § 470A(a)(3) is

incorporated into the substantive provision to which it applied.

In item (3) of this section, the former reference to a religious "structure, or other real property" is deleted as surplusage.

Defined term:
"Person"

§ 1-101

Effect of amendments. — Chapters 28 and 29, Acts 2019, effective October 1, 2019, made identical changes. Each added "or threaten" in the introductory language.

Maryland Law Review. — For note on 1995 decisions, see 54 Md. L. Rev. 670 (1995).

Constitutionality. — To the extent that the provisions of the former version of this section

are directed at commission of crimes or damage to property they are constitutionally defensible because they are directed at conduct, not at speech. 77 Op. Att'y Gen. 23 (December 3, 1992).

§ 10-303. Obstructing exercise of religious belief.

A person may not, by force or threat of force, obstruct or attempt to obstruct another in the free exercise of that person's religious beliefs. (An. Code 1957, art. 27, § 470A(b)(2); 2002, ch. 26, § 2; 2005, chs. 482, 571; 2019, chs. 28, 29.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 470A(b)(2).

Defined term:
"Person"

§ 1-101

Effect of amendments. — Chapters 28 and 29, Acts 2019, effective October 1, 2019, made identical changes. Each reenacted the section without change.

§ 10-304. Harassment; destruction of property.

Because of another person's or group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, a person may not:

(1) (i) commit a crime or attempt or threaten to commit a crime against that person or group;

(ii) deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of that person or group; or

(iii) burn or attempt or threaten to burn an object on the real or personal property of that person or group; or

(2) commit a violation of item (1) of this section that:

(i) except as provided in item (ii) of this item, involves a separate crime that is a felony; or

(ii) results in the death of a victim. (An. Code 1957, art. 27, § 470A(b)(3)(i), (4)(i); 2002, ch. 26, § 2; 2005, chs. 482, 571; 2006, ch. 44; 2009, chs. 201, 402; 2018, chs. 498, 499; 2019, chs. 28, 29, 32.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 470A(b)(3)(i) and (4)(i).

Defined term:
"Person"

§ 1-101

Effect of amendments. — Chapter 201, Acts 2009, effective October 1, 2009, in the introductory language added "gender" and "or because another is homeless"; and added "or attempt to commit a crime" in (1)(i).

Chapter 402, Acts 2009, effective October 1, 2009, in the introductory language added "disability"; and added "or attempt to commit a crime" in (1)(i).

Chapters 498, and 499, Acts 2018, effective October 1, 2018, made identical changes. Each added "or group" and variants throughout the section; in the introductory paragraph substituted "another person's or group's" for "another's"; and in (2)(ii) made a stylistic change.

Chapters 28 and 29, Acts 2019, effective October 1, 2019, made identical changes. Each added "or threaten" throughout (1), deleted (1)(ii) and redesignated accordingly.

Chapter 32, Acts 2019, effective October 1, 2019, reenacted the section without change.

Editor's note. — Chapters 201 and 402, Acts 2009, both amended this section. Neither of the chapters referred to the other, and the language in the introductory paragraph has been reconciled to give effect to both, and the chapters made identical amendments in (1)(i).

University of Baltimore Law Review. — For a comment, "The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act: A Criminal Law Perspective," see 45 U. Balt. L. Rev. 343 (2016).

Standing to challenge constitutionality. — Defendant lacked standing to challenge a

former version of this section facially, on the basis that the harassment prong is vague and overbroad, where he was neither charged nor convicted under that prong. *Ayers v. State*, 335 Md. 602, 645 A.2d 22 (1994), cert. denied, 513 U.S. 1130, 115 S. Ct. 942, 130 L. Ed. 2d 886 (1995).

Motive is essential element of offense. — In order to prove a case under former subsection (b)(3) (i) (now this section), the prosecution is required to show that a defendant has committed a crime based upon a person "because of that person's race"; thus, motive is an essential element of the crime. *Ayers v. State*, 335 Md. 602, 645 A.2d 22 (1994), cert. denied, 513 U.S. 1130, 115 S. Ct. 942, 130 L. Ed. 2d 886 (1995).

Evidence of motivation. — Under a former version of this section, only speech actually connected with the offense should be used as evidence of motivation. *Ayers v. State*, 335 Md. 602, 645 A.2d 22 (1994), cert. denied, 513 U.S. 1130, 115 S. Ct. 942, 130 L. Ed. 2d 886 (1995).

Sentence held not excessive or oppressive. — Sentence imposed by the trial court for kidnapping and racially motivated crimes was not so excessive and oppressive as to evidence an abuse of discretion and to constitute cruel and unusual punishment under the Eighth Amendment to the United States Constitution and articles 16 and 25 of the Maryland Declaration of Rights. *Ayers v. State*, 335 Md. 602, 645 A.2d 22 (1994), cert. denied, 513 U.S. 1130, 115 S. Ct. 942, 130 L. Ed. 2d 886 (1995).

§ 10-305. Damage to associated building.

A person may not deface, damage, or destroy, attempt or threaten to deface, damage, or destroy, burn or attempt or threaten to burn an object on, or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used, including a cemetery, library, meeting hall, recreation center, or school:

(1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, disability, or national origin, or because a person or group that is homeless, has contacts or is associated with the building; or

(2) if there is evidence that exhibits animosity against a person or group, because of the race, color, religious beliefs, sexual orientation, gender, disability, or national origin of that person or group or because that person or group is homeless. (An. Code 1957, art. 27, § 470A(a)(1), (2), (b)(3)(ii), (4)(ii); 2002, ch. 26, § 2; 2005, chs. 482, 571; 2009, chs. 201, 402; 2017, ch. 732; 2019, chs. 28, 29.)

REVISOR’S NOTE

This Revisor’s note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 470A(a)(1) and (2) and (b)(3)(ii) and (4)(ii).

In this section, the term “institution” defined in former Art. 27, § 470A(a)(2) is incorporated

into the substantive provision to which it applied.

Defined term:

“Person” § 1-101

Effect of amendments. — Chapter 201, Acts 2009, effective October 1, 2009, added “gender” and “or because a person or group that is homeless” or variant in (1) and (2).

Chapter 402, Acts 2009, effective October 1, 2009, added “disability” in (1) and (2).

Chapter 732, Acts 2017, effective October 1, 2017, reenacted the section without change.

Chapters 28 and 29, Acts 2019, effective October 1, 2019, made identical changes. Each

added “or threaten” twice in the introductory language.

Editor’s note. — Chapters 201 and 402, Acts 2009, both amended this section. Neither of the chapters referred to the other, and the language in (1) and (2) has been reconciled to give effect to both.

See Editor’s note under § 10-302 of this subtitle.

§ 10-306. Penalty.

(a) *For violation of subtitle.* — Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

(b) *For violation of § 10-304 of this subtitle.* — (1) A person who violates § 10-304(2)(i) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(2) A person who violates § 10-304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$20,000 or both. (An. Code 1957, art. 27, § 470A(c); 2002, ch. 26, § 2; 2005, ch. 25, § 12; chs. 482, 571; 2009, chs. 201, 402; 2019, chs. 28, 29.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 470A(c).

Defined term:

"Person"

§ 1-101

Effect of amendments. — Chapter 201, Acts 2009, effective October 1, 2009, reenacted the section without change.

Chapter 402, Acts 2009, effective October 1, 2009, reenacted the section without change.

Chapters 28 and 29, Acts 2019, effective October 1, 2019, made identical changes. Each reenacted the section without change.

Editor's note. — See Editor's note under § 10-302 of this subtitle.

§ 10-307. Sentencing.

A sentence imposed under this subtitle may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this subtitle. (2005, chs. 482, 571.)

Editor's note. — See Editor's note under § 10-302 of this subtitle.

§ 10-308. First Amendment rights protected.

Nothing in this subtitle may be construed to infringe on the speech of a religious leader or other individual during peaceable activity intended to express the leader's or individual's religious beliefs or convictions. (2005, ch. 571; 2019, chs. 28, 29.)

Editor's note. — Chapters 28 and 29, Acts 2019, effective October 1, 2019, made identical changes. Each reenacted the section without change.

TITLE 12.

GAMING — STATEWIDE PROVISIONS.

Subtitle 1. General Provisions.

§ 12-101. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 261E(a)(1).

The reference to this "subtitle" is substituted for the former reference to this "section", which referred only to Art. 27, § 261E. Although this

subtitle is derived, in part, from provisions outside of former Art. 27, § 261E, substituting the reference to this "subtitle" does not constitute a substantive change because the terms used in the newly covered sections are used as defined in this section.

(b) *Candidate*. — “Candidate” has the meaning stated in § 1-101 of the Election Law Article.

SPECIAL REVISOR’S NOTE

This section is new language added for clarity and consistency with usage in Article 33 of the Code. However, Ch. 213, § 7, Acts of 2002, substituted the reference to “§ 1-101 of the Election Law Article” for the reference to “Arti-

cle 33, § 1-101 of the Code” enacted by Ch. 26, Chapter 213, § 8, provided that § 7 would take effect January 1, 2003, to reflect the delayed effective date of the Election Law Article enacted by Ch. 291, Acts of 2002.

(c) *Credit*. — (1) “Credit” means payment by a credit card or promissory note.

(2) “Credit” includes selling or pledging personal property in exchange for cash or tokens.

REVISOR’S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 261E(a)(2).

(d) *Gaming device*. — (1) “Gaming device” means:

(i) a gaming table, except a billiard table, at which a game of chance is played for money or any other thing or consideration of value; or

(ii) a game or device at which money or any other thing or consideration of value is bet, wagered, or gambled.

(2) “Gaming device” includes a paddle wheel, wheel of fortune, chance book, and bingo.

REVISOR’S NOTE

This subsection is new language derived without substantive change from former Art. 27, §§ 238, 244, and 261E(a)(3).

In the introductory language of paragraph (1) of this subsection, the term “[g]aming device” is substituted for the former term “gaming table” in light of former Art. 27, § 244, which deemed a gaming table to be “[a]ll games, devices and contrivances at which money or any other thing shall be bet or wagered . . .”.

In paragraph (1)(i) and (ii) of this subsection, the reference to “consideration of value” is added for consistency with § 12-102 of this subtitle.

In paragraph (1)(i) of this subsection, the word “table” is substituted for the former specific references to a “faro table, E. O. table, equality, or any other kind of gaming table” for brevity and in light of the comprehensive reference to any table “at which a game of chance is played”.

In paragraph (1)(ii) of this subsection, the former reference to “contrivances” is deleted in light of the references to a “game” and a “device”.

Also in paragraph (1)(ii) of this subsection, the word “gambled” is added for consistency with § 12-102 of this subtitle.

Also in paragraph (1)(ii) of this subsection, the former reference to a gaming table “within the meaning of §§ 237, 238, 239, 241 and 242” is deleted in light of subsection (a) of this section.

Also in paragraph (1)(ii) of this subsection, the former specific reference to a “paddle wheel, wheel of fortune, chance book, [or] bingo” is deleted as included in the comprehensive reference to a “game or device at which money or any other thing or consideration of value is bet, wagered, or gambled”.

(e) *Gaming event*. — “Gaming event” means:

(1) a bingo game;

- (2) a carnival;
- (3) a bazaar;
- (4) a raffle;
- (5) a benefit performance; or
- (6) any other event at which a gaming device is operated.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 261E(a)(4).

(f) *Organization*. — “Organization” includes:

- (1) a fraternal, religious, civic, patriotic, educational, or charitable organization;
- (2) a volunteer fire company, rescue squad, or auxiliary unit;
- (3) a veterans’ organization or club;
- (4) a bona fide nonprofit organization that is raising money for an exclusively charitable, athletic, or educational purpose; or
- (5) any organization that is authorized to conduct a gaming event under Subtitle 1 or 2 of this title or Title 13 of this article.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 261E(a)(5).

In item (1) of this subsection, the former reference to a “corporation” is deleted as included in the reference to an “organization” for consistency within this article.

In item (5) of this subsection, the reference to “Subtitle 1 or 2 or Title 13 of this article” is substituted for the former erroneous reference to “this subtitle” to reflect the reorganization of material derived from the former “Gaming” subheading of Article 27.

(g) *Political committee*. — “Political committee” has the meaning stated in § 1-101 of the Election Law Article.

SPECIAL REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 261D(a), as it related to political committees. However, Ch. 213, § 7, Acts of 2002, substituted the reference to ‘§ 1-101 of the Election Law Article’ for the reference to ‘Arti-

cle 33, § 1-101 of the Code’ enacted by Ch. 26. Chapter 213, § 8, provided that § 7 would take effect January 1, 2003, to reflect the delayed effective date of the Election Law Article enacted by Ch. 291, Acts of 2002.

REVISOR'S NOTE

In this subsection, the former reference to a “bona fide” political committee is deleted as surplusage.

(h) *Token*. — “Token” means a poker chip, bingo chip, or other device commonly used instead of money in the playing of a gaming device.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 261E(a)(6).

In this section, the term "money" is substituted for the former term "cash" for consistency with § 12-102 of this subtitle.

(An. Code 1957, art. 27, §§ 238, 244, 261D(a), 261E(a); 2002, ch. 26, § 2; ch. 213, § 7.)

REVISOR'S NOTE TO SECTION

The Revisor's notes in this section comprise information related to the revision by Acts 2002, ch. 26.

Bill review letter. — Chapter 122, Acts 2018, (House Bill 159) was approved for constitutionality and legal sufficiency. The act, allowing the holder of a Class C per diem beer and wine license or a Class C beer, wine, and liquor license in Montgomery County to provide a "basket of cheer" as a prize in a raffle at a benefit performance, does not trigger the referendum requirement because it permits only charitable gaming. (Letter of Attorney General dated April 6, 2018.)

University of Baltimore Law Forum. — For a 2006 development, "F.A.C.E. Trading v. Todd: Games of Chance Bundled With the Purchase of Consumer Products, Where the Nature

of the Product Is Incidental to the Playing of the Game, Constitute Illegal Gaming," see 37 U. Balt. L.F. 52 (2006).

Machine dispensing discount coupons and chance to win cash prohibited gambling device. — Machine which dispensed coupons, for cash, offering discounts on merchandise and a chance to win cash was an illegal gaming device, under (d)(1)(ii) because it contained all the elements of gambling, which were the payment of consideration for a chance to win a prize or reward, so its operation was punishable as a misdemeanor, under § 12-104 of this subtitle. F.A.C.E. Trading, Inc. v. Todd, 393 Md. 364, 903 A.2d 348 (2006).

§ 12-106. Raffles.

(a) *Charitable organization.* — (1) Notwithstanding any other provision of this subtitle, Subtitle 2 of this title, or Title 13 of this article and except as otherwise provided in this subsection, a bona fide charitable organization in this State may conduct a raffle for the exclusive benefit of the charitable organization if the prize awarded is real property:

- (i) to which the charitable organization holds title; or
- (ii) for which the charitable organization has the ability to convey title.

(2) A charitable organization may not conduct more than two raffles of real property in a calendar year.

(3) The Secretary of State may adopt regulations governing a raffle of real property by a charitable organization under this subsection.

(b) *Political committee or candidate for public office.* — (1) Notwithstanding any other provision of this article and except as otherwise provided in this subsection, a political committee or candidate for public office may conduct a raffle if the prizes awarded are money or merchandise.

- (2) (i) The cost of a raffle ticket under this subsection may not exceed \$5.
- (ii) An individual may not purchase more than \$50 worth of tickets.

(3) This subsection does not relieve a political committee or candidate from the reporting and record keeping requirements under the Election Law Article.

(c) *Savings promotion raffle by depository institutions.* — Notwithstanding any other provision of this article, a depository institution, as defined in § 1-211 of the Financial Institutions Article, may conduct a savings promotion raffle under § 1-211 of the Financial Institutions Article. (An. Code 1957, art. 27, §§ 236, 261D; 2002, ch. 26, § 2; ch. 213, § 7; 2010, chs. 627, 628; 2012, ch. 393; 2015, ch. 95.)

SPECIAL REVISOR'S NOTE

This Special Revisor's note comprises information related to the revision by Acts 2002, ch. 26 and other chapters amending this section from the 2002 Legislative Session.

As enacted by Ch. 26, Acts of 2002, this section was new language derived without substantive change from former Art. 27, §§ 236 and 261D. However, Ch. 213, § 7, Acts of 2002, substituted the reference to “the Election Law Article” for the reference to “Article 33 of the Code” enacted by Ch. 26 in subsection (b)(3) of this section. Chapter 213, § 8, provided that § 7 would take effect January 1, 2003, to reflect the delayed effective date of the Election Law Article enacted by Ch. 291, Acts of 2002.

In subsection (a)(1) of this section, the phrase “[n]otwithstanding any other provision of this subtitle, Subtitle 2 of this title, or Title 13 of this article” was substituted by Ch. 26 for the former phrase “[t]his subtitle may not be construed to make it unlawful” to clarify that the other provisions of this subtitle, Subtitle 2 of this title, and Title 13 of this article did not prohibit a raffle authorized under subsection (a)(1) of this section.

In subsection (a)(1)(i) and (ii) and (2) of this section, the term “charitable organization” was substituted by Ch. 26 for the former term “organization” for consistency with the introductory language of subsection (a)(1) of this section and to distinguish between a charitable organization and an “organization” defined in § 12-101(f) of this subtitle.

In subsection (b)(1) of this section, the former phrase “bona fide” was deleted by Ch. 26 as surplusage.

Also in subsection (b)(1) of this section, the reference to “money” was substituted by Ch. 26 for the former reference to “cash” for consistency within this title.

Also in subsection (b)(1) of this section, the former phrase “as defined in Article 33, § 1-101 of the Code”, which referred to the term “political committee”, was deleted by Ch. 26 in light of the definition of “political committee” in § 12-101(g) of this subtitle.

Defined terms:

“Candidate”	§ 12-101
“Organization”	§ 12-101
“Political committee”	§ 12-101

Effect of amendments. — Chapter 393, Acts 2012, effective June 1, 2012, reenacted (c) without change.

Chapter 95, Acts 2015, effective June 1, 2015, deleted (c)(1) and redesignated accordingly.

Editor's note. — Section 2, chs. 627 and 628, Acts 2010, as amended by ch. 393, Acts 2012, provides that “this Act shall take effect October 1, 2010.” Chapter 393, Acts 2012, deleted a prior contingency.

Chapter 393, Acts 2012, deleted the contingency for the amendment by chs. 627 and 628, Acts 2010, and made the acts effective October 1, 2010.

Bill review letter. — Chapters 627 and 628, Acts 2010, (Senate Bill 886 and House Bill 990) were approved for constitutionality and legal

sufficiency as the raffles authorized do not constitute a lottery grant within the meaning of Article III, § 36 of the Maryland Constitution, and are not subject to the referendum requirement of Article XIX of the Maryland Constitution. (Letter of the Attorney General dated May 18, 2010.)

Issues and ramifications of prior version of (a). — For discussion of special problems, issues, and ramifications of a prior version of (a), see 67 Op. Att’y Gen. 125 (1982).

Record keeping. — With respect to the raffles permitted under a prior version of this section, the record keeping requirements in Article 33, § 26-7 (a) [now § 13-240 of the Election Law Article] must be complied with. 71 Op. Att’y Gen. 120 (1986).

§ 12-108. Gaming event — Acceptance of credit.

(a) *Prohibited.* — An organization that operates a gaming event authorized under this subtitle, Subtitle 2 of this title, or Title 13 of this article may not

accept credit from a person to allow that person to play a gaming device at the gaming event.

(b) *Use of token allowed.* — Subsection (a) of this section does not prohibit an organization from accepting a token instead of money from a person who has paid the organization money for the use of the token.

(c) *Penalty.* — An organization that violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or loss of privileges to conduct a gaming event not exceeding 60 days or both. (An. Code 1957, art. 27, § 261E(b)-(d); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This Revisor's note comprises information related to the revision by Acts 2002, ch. 26.

This section is new language derived without substantive change from former Art. 27, § 261E(b), (c), and (d).

In subsection (a) of this section, the reference to "this subtitle, Subtitle 2 of this title, or Title 13 of this article" is substituted for the former erroneous reference to "this subtitle" to reflect the reorganization of material derived from the former "Gaming" subheading of Article 27.

In subsection (b) of this section, the references to "money" are substituted for the former references to "cash" for consistency within this title.

Defined terms:

"Credit"	§ 12-101
"Gaming device"	§ 12-101
"Gaming event"	§ 12-101
"Organization"	§ 12-101
"Person"	§ 1-101
"Token"	§ 12-101

CRIMINAL PROCEDURE.

Title 1.

Definitions; General Provisions.

Subtitle 2. General Provisions.

Sec.

1-203. Search warrants.

Title 2.

Law Enforcement Procedures; Arrest Process.

Subtitle 1. Definitions; General Provisions.

2-101. Definitions.

(a) In general.

(b) Emergency.

(c) Police officer.

2-102. Authority of police officers — In general.

2-104. Authority of federal law enforcement officers.

2-104.1. Authority of federal law enforcement officers — United States Park Police officer.

Subtitle 2. Warrantless Arrests.

2-201. Effect of subtitle.

2-202. Warrantless arrests — In general.

2-203. Warrantless arrests — Commission of specified crimes.

2-204. Warrantless arrests — For domestic abuse.

2-204.1. Warrantless arrests — For violation of protective order.

Sec.

2-205. Warrantless arrests — For stalking.

2-207. Authority of correctional and other employees.

2-208. Authority of State Fire Marshal and assistants.

2-208.1. Authority of Montgomery County fire and explosive investigator.

2-208.2. Authority of Anne Arundel County or City of Annapolis fire and explosive investigator.

2-208.3. Authority of Prince George's County fire and explosive investigator.

2-208.4. Authority of Worcester County fire and explosive investigator.

2-208.5. Authority of City of Hagerstown fire and explosive investigator.

2-208.6. Authority of fire and explosive investigators in Howard County.

2-209. [Repealed].

Title 4.

Pretrial Procedures.

Subtitle 1. Charging Procedures and Documents.

4-101. Charge by citation.

Title 13.

Other Forfeitures.

Subtitle 3. Violations of Explosives Laws.

13-301. Forfeiture for violation of explosives laws.

Editor's note. — Some of the cases appearing in the notes to this article were decided under the former statutes in effect prior to the 2001 revision. These earlier cases have been

moved to pertinent sections of the revised material where they may be used in interpreting the current statutes. Internal references have also been updated.

TITLE 1.

DEFINITIONS; GENERAL PROVISIONS.

Subtitle 2. General Provisions.

§ 1-203. Search warrants.

(a) *In general.* — (1) A circuit court judge or District Court judge may issue forthwith a search warrant whenever it is made to appear to the judge, by application as described in paragraph (2) of this subsection, that there is probable cause to believe that:

(i) a misdemeanor or felony is being committed by a person or in a building, apartment, premises, place, or thing within the territorial jurisdiction of the judge; or

(ii) property subject to seizure under the criminal laws of the State is on the person or in or on the building, apartment, premises, place, or thing.

(2) (i) An application for a search warrant shall be:

1. in writing;
2. signed, dated, and sworn to by the applicant; and
3. accompanied by an affidavit that:

A. sets forth the basis for probable cause as described in paragraph (1) of this subsection; and

B. contains facts within the personal knowledge of the affiant that there is probable cause.

(ii) An application for a search warrant may be submitted to a judge:

1. by in-person delivery of the application, the affidavit, and a proposed search warrant;

2. by secure fax, if a complete and printable image of the application, the affidavit, and a proposed search warrant are submitted; or

3. by secure electronic mail, if a complete and printable image of the application, the affidavit, and a proposed search warrant are submitted.

(iii) The applicant and the judge may converse about the search warrant application:

1. in person;
2. via telephone; or
3. via video.

(iv) The judge may issue the search warrant:

1. by signing the search warrant, indicating the date and time of issuance on the search warrant, and physically delivering the signed and dated search warrant, the application, and the affidavit to the applicant;

2. by signing the search warrant, writing the date and time of issuance on the search warrant, and sending complete and printable images of the signed and dated search warrant, the application, and the affidavit to the applicant by secure fax; or

3. by signing the search warrant, either electronically or in writing, indicating the date and time of issuance on the search warrant, and sending complete and printable images of the signed and dated search warrant, the application, and the affidavit to the applicant by secure electronic mail.

(v) The judge shall file a copy of the signed and dated search warrant, the application, and the affidavit with the court.

(vi) An application for a search warrant may contain a request that the search warrant authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose, on the grounds that there is reasonable suspicion to believe that, without the authorization:

1. the property subject to seizure may be destroyed, disposed of, or secreted; or

2. the life or safety of the executing officer or another person may be endangered.

(3) The search warrant shall:

(i) be directed to a duly constituted police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of

the State Fire Marshal and authorize the police officer, the State Fire Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire Marshal to search the suspected person, building, apartment, premises, place, or thing and to seize any property found subject to seizure under the criminal laws of the State;

(ii) name or describe, with reasonable particularity:

1. the person, building, apartment, premises, place, or thing to be searched;

2. the grounds for the search; and

3. the name of the applicant on whose application the search warrant was issued; and

(iii) if warranted by application as described in paragraph (2) of this subsection, authorize the executing law enforcement officer to enter the building, apartment, premises, place, or thing to be searched without giving notice of the officer's authority or purpose.

(4) (i) The search and seizure under the authority of a search warrant shall be made within 15 calendar days after the day that the search warrant is issued.

(ii) After the expiration of the 15-day period, the search warrant is void.

(5) The executing law enforcement officer shall give a copy of the search warrant, the application, and the affidavit to an authorized occupant of the premises searched or leave a copy of the search warrant, the application, and the affidavit at the premises searched.

(6) (i) The executing law enforcement officer shall prepare a detailed search warrant return which shall include the date and time of the execution of the search warrant.

(ii) The executing law enforcement officer shall:

1. give a copy of the search warrant return to an authorized occupant of the premises searched or leave a copy of the return at the premises searched; and

2. file a copy of the search warrant return with the court in person, by secure fax, or by secure electronic mail.

(b) *Return of property wrongfully taken.* — (1) A circuit court judge or District Court judge shall cause property taken under a search warrant to be restored to the person from whom it was taken if, at any time, on application to the judge, it appears that:

(i) the property taken is not the same as that described in the search warrant;

(ii) there is no probable cause for believing the existence of the grounds on which the search warrant was issued; or

(iii) the property was taken under a search warrant issued more than 15 calendar days before the seizure.

(2) The judge may receive an oral motion made in open court at any time making application for the return of seized property if the application for return is based on any ground described in paragraph (1) of this subsection.

(3) If the judge grants the oral motion described in paragraph (2) of this subsection, the order of the court shall be in writing and a copy of the order shall be sent to the State's Attorney.

(4) Court costs may not be assessed against the person from whom the property was taken if:

(i) the judge denies the oral motion and requires the person from whom the property was taken to proceed for return of the seized property by petition and an order to show cause to the police authority seizing the property; and

(ii) it is later ordered that the property be restored to the person from whom it was taken.

(5) If the judge finds that the property taken is the same as that described in the search warrant and that there is probable cause for believing the existence of the grounds on which the search warrant was issued, the judge shall order the property to be retained in the custody of the police authority seizing it or to be otherwise disposed of according to law.

(c) *Return of property rightfully taken.* — (1) This subsection does not apply to contraband or other property prohibited by law from being recoverable.

(2) Property seized under a search warrant issued under subsection (a) of this section may be returned to the person to whom the property belongs without the necessity of that person bringing an action for replevin or any other proceeding against the unit with custody of the property if:

(i) the criminal case in which the property was seized is disposed of because of a nolle prosequi, dismissal, or acquittal;

(ii) the State does not appeal the criminal case in which the property was seized; or

(iii) the time for appeal has expired.

(d) *Return of property rightfully taken and wrongfully withheld.* — (1) A circuit court judge or District Court judge shall cause property rightfully taken under a search warrant to be restored to the person from whom it was taken if, at any time, on application to the judge, the judge finds that the property is being wrongfully withheld after there is no further need for retention of the property.

(2) The judge may receive an oral motion made in open court at any time making application for the return of seized property if the application for return is based on the ground that the property, although rightfully taken under a search warrant, is being wrongfully withheld after there is no further need for retention of the property.

(3) If the judge grants the oral motion described in paragraph (2) of this subsection, the order of the court shall be in writing and a copy of the order shall be sent to the State's Attorney.

(4) Court costs may not be assessed against the person from whom the property was taken if:

(i) the judge denies the oral motion and requires the person from whom the property was taken to proceed for return of the seized property by petition and an order to show cause to the police authority wrongfully withholding the property; and

(ii) it is later ordered that the property be restored to the person from whom it was taken.

(e) *Sealing affidavits.* — (1) Notwithstanding any provision of the Maryland Rules, a circuit court judge or District Court judge, on a finding of good

cause, may order that an affidavit presented in support of a search and seizure warrant be sealed for a period not exceeding 30 days.

(2) A finding of good cause required by paragraph (1) of this subsection is established by evidence that:

(i) the criminal investigation to which the affidavit is related is of a continuing nature and likely to yield further information that could be of use in prosecuting alleged criminal activities; and

(ii) the failure to maintain the confidentiality of the investigation would:

1. jeopardize the use of information already obtained in the investigation;

2. impair the continuation of the investigation; or

3. jeopardize the safety of a source of information.

(3) A court may grant one 30-day extension of the time that an affidavit presented in support of a search and seizure warrant is to remain sealed if:

(i) law enforcement provides continued evidence as described in paragraph (2) of this subsection; and

(ii) the court makes a finding of good cause based on the evidence.

(4) After the order sealing the affidavit expires, the affidavit shall be:

(i) unsealed; and

(ii) delivered within 15 days:

1. to the person from whom the property was taken; or

2. if that person is not on the premises at the time of delivery, to the person apparently in charge of the premises from which the property was taken. (An. Code 1957, art. 27, § 551; 2001, ch. 10, § 2; 2002, ch. 213, § 6; 2004, ch. 194; 2005, chs. 484, 560; 2014, ch. 107.)

I. In General.

A. General Consideration.

B. Exclusionary Rule.

C. Procedure.

1. Jurisdiction of Court and Public Officials and Law Enforcement Officers; Procedures in Court.

2. Affidavits; Application and Issuance of Warrant; Evidence.

3. Search and Seizure.

II. Probable Cause.

A. General Consideration.

B. Procedure.

C. Affidavit.

D. Informants.

III. Form and Contents of Warrant.

I. IN GENERAL.

A. General Consideration.

Cross references. — For search warrants for machine guns, see § 4-402 of the Criminal Law Article.

For search warrants in connection with violation of game laws, see §§ 4-1203, 4-1204 of the Natural Resources Article.

For constitutional provision with regard to search warrants, see Maryland Declaration of Rights, article 26.

Editor's note. — Section 2, ch. 560, Acts 2005, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any application for a search warrant made before the effective date of this Act [October 1, 2005].”

Maryland Law Review. — For survey of Court of Appeals decisions on search and seizure law for the year 1974-1975, see 36 Md. L. Rev. 429 (1976).

For article, "Survey of Developments in Maryland Law, 1987-88," see 48 Md. L. Rev. 551 (1989).

For note, "*Ricks v. State*: Big Brother Has Arrived in Maryland," see 48 Md. L. Rev. 435 (1989).

University of Baltimore Law Review. — For article, "The Inventory Search of an Automobile: A Willing Suspension of Disbelief," see 5 U. Balt. L. Rev. 203 (1976).

For comment, "Rights of the Maryland Probationer: A Primer for the Practitioner," see 11 U. Balt. L. Rev. 272 (1982).

For an article, "Independent and Adequate: Maryland's State Exclusionary Rule for Illegally Obtained Evidence," see 38 U. Balt. L. Rev. 231 (2009).

University of Baltimore Law Forum. — For discussion of police investigative procedures and juveniles, see 16, No. 1 Law Forum 6 (1986).

For a 1998 development, "*Kostelec v. State*: Present Tense Language of Search Warrant Statute Does Not Permit Issuance of Anticipatory Search Warrant Based on Future Evidence of a Criminal Act," see 28.2 U. Balt. Law Forum 31 (1998).

For a 2003 development, "*State v. Lee*: Application of the Inevitable Discovery Exclusion Exception Cannot Make Evidence Obtained through an Improperly Executed Narcotics Search Warrant Admissible," see 34 U. Balt. Law Forum 37 (2003).

For note on a 2005 development, "*Serio v. Baltimore County*: Felons Retain a Property Interest in Seized Firearms Even Though They Are Not Allowed to Possess Them," see 35 U. Balt. L.F. 174 (2005).

Constitutionality. — This section is in full compliance with the provisions of article 26 of the Maryland Declaration of Rights and the Fourth Amendment to the Constitution of the United States. *Salmon v. State*, 2 Md. App. 513, 235 A.2d 758 (1967).

Provisions in pari materia. — The Fourth Amendment to the United States Constitution, on the one hand, and article 26 of the Maryland Declaration of Rights along with this section, on the other hand, are provisions in pari materia and protect like rights in a like manner. *Andresen v. State*, 24 Md. App. 128, 331 A.2d 78, cert. denied, 535 U.S. 940, 122 S. Ct. 1324, 152 L. Ed. 2d 231 (2002), cert. denied, 274 Md. 725 (1975), aff'd, 427 U.S. 463, 96 S. Ct. 2737, 49 L. Ed. 2d 627 (1976).

Codification. — The spirit and thrust of the Fourth Amendment and article 26 of the Maryland Declaration of Rights are codified in this section. *Harris v. State*, 17 Md. App. 484, 302

A.2d 655 (1973); *Shoemaker v. State*, 52 Md. App. 463, 451 A.2d 127 (1982).

Where the incorporation of application and affidavit into search and seizure warrant abetted the earlier description of the house to be searched by specially designating its address and apartment number, then the warrant was not a general warrant. *Hignut v. State*, 17 Md. App. 399, 303 A.2d 173 (1973).

History of former Art. 27, § 551 [now this section]. — See In re Special Investigation No. 228, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

Original purpose for warrants. — Search warrants originally were used to search for stolen articles. *Griffin v. State*, 232 Md. 389, 194 A.2d 80 (1963).

Framing of former section. — Former Art. 27, § 551 (now this section) was framed with a view to the detection of crime, and there is serious doubt as to whether a search warrant is obtainable except under a statute or to search for stolen goods or the like. *Givner v. State*, 210 Md. 484, 124 A.2d 764 (1956).

States not precluded from developing rules. — States are not precluded from developing workable rules governing arrests, searches and seizures to meet "the practical demands of effective criminal investigation and law enforcement" in the states, provided that those rules do not violate the constitutional proscription of unreasonable searches and seizures and the concomitant command that evidence so seized is inadmissible against one who had standing to complain. *Griffin v. State*, 232 Md. 389, 194 A.2d 80 (1963).

Video surveillance. — Ordinarily, video surveillance can only be conducted under a search warrant issued in pursuance of former Art. 27, § 551 (now this section). *Ricks v. State*, 312 Md. 11, 537 A.2d 612, cert. denied, 488 U.S. 832, 109 S. Ct. 90, 102 L. Ed. 2d 66 (1988).

Section covers only goods and chattels. — The Exclusionary Rule covers such intangibles as things seen and conversations overheard; this section covers only goods and chattels. In re Special Investigation No. 228, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

Statewide authorization for issuance. — The only statewide statutory authorization for the issuance of search warrants to be found in this Code is contained in this section, which is concerned with criminal offenses, and NR §§ 4-1203 and 4-1204, which deal with search warrants in connection with violation of the gaming laws. *Givner v. Cohen*, 208 Md. 23, 116 A.2d 357 (1955).

Interpretation of "forthwith." — Term "forthwith" has been interpreted to mean "with all reasonable dispatch consistent with the circumstances." *Donaldson v. State*, 46 Md. App. 521, 420 A.2d 281 (1980).

Requirement of service forthwith. — Although this section does not require the forthwith execution of a warrant, the judicially imposed requirement that the warrant shall be served forthwith is a mandate which controls the execution of the warrant. *Donaldson v. State*, 46 Md. App. 521, 420 A.2d 281 (1980).

Timeliness of execution. — Timeliness of the execution of the warrant is not measured by whether the delay was reasonable or unreasonable, but by whether the probable cause upon which the warrant was issued still existed at the time the warrant was executed. *Donaldson v. State*, 46 Md. App. 521, 420 A.2d 281 (1980); *Yeagy v. State*, 63 Md. App. 1, 491 A.2d 1199 (1985).

Reasonable time for execution. — Fifteen days is a reasonable time to allow for execution of warrant. *Griffin v. State*, 232 Md. 389, 194 A.2d 80 (1963).

Computation of time to execute search warrant. — The 15-day statutory time limit for the execution of a search warrant should be computed beginning on the day after the search warrant is issued by a judicial officer. 86 Op. Att’y Gen. 148 (June 22, 2001).

Maximum allowable delay for execution. — Fifteen days is the maximum allowable delay for the execution of a search warrant, but execution in less than 15 days may be required depending on the facts and circumstances of each case. *Donaldson v. State*, 46 Md. App. 521, 420 A.2d 281 (1980).

Blood tests. — Because there is no exigent-circumstances exception to the warrant requirement of the Fourth Amendment where the State desires to test an individual’s blood type, it was error for a trial court to order a blood test without strict compliance with the warrant requirements contained in this section. *Mills v. State*, 28 Md. App. 300, 345 A.2d 127 (1975), *aff’d*, 278 Md. 262, 363 A.2d 491 (1976).

Purpose of search warrant. — A search warrant is issued only for the purpose of making a search. *Salmon v. State*, 2 Md. App. 513, 235 A.2d 758 (1967).

Scope of authorization. — This section authorizes a search of persons, places or things, as reasonably particularized in the warrant, for specifically designated property, unlawfully obtained or held, or of evidence of the commission of the crime, now including items relating thereto which are purely evidentiary in nature. *Salmon v. State*, 2 Md. App. 513, 235 A.2d 758 (1967); *Haley v. State*, 7 Md. App. 18, 253 A.2d 424 (1969).

Articles in plain view. — No search is involved when articles are in plain view. *Hebron v. State*, 13 Md. App. 134, 281 A.2d 547 (1971), *cert. denied*, 264 Md. 748 (1972).

Immunity. — Where there is no showing that the persons complaining were the lawful occupants of the premises, they cannot invoke

the constitutional provisions against unwarranted search and seizure. *Resnick v. State*, 183 Md. 15, 36 A.2d 347 (1944).

Immunity from illegal search is privilege of those whose rights have been infringed and only owner or lawful occupier of premises may invoke it. *Kapler v. State*, 194 Md. 580, 71 A.2d 860 (1950).

Person who neither owns, leases, controls nor lawfully occupies premises, etc., cannot complain of illegal search. *Frank v. State*, 189 Md. 591, 56 A.2d 810 (1948), *overruled in part on other grounds by Surland v. State*, 2006 Md. LEXIS 173 (2006).

No impact upon disposition of money seized pursuant to gambling violations. — Former Art. 27, § 551 (now this section) had no impact upon disposition of money seized pursuant to gambling violations, which is *prima facie* contraband. This money could only be returned pursuant to former Art. 27, § 264 (now § 13-106 of this article), and that section can only be applied when used in concert with former Art. 27, § 264(e)(4) (now § 13-109 of this article). *Director of Fin. v. Cole*, 296 Md. 607, 465 A.2d 450 (1983).

Jurisdictional requirement. — Only jurisdictional requirement in (a) is that property to be seized be located within territorial jurisdiction of issuing judge; it is not essential that the crime alleged in the application for the search warrant be committed within the judge’s territorial jurisdiction. *State v. Intercontinental, Ltd.*, 302 Md. 132, 486 A.2d 174 (1985).

Regulation of possessory rights. — This section regulates possessory rights before trial, after trial, or where no trial ever takes place. In re *Special Investigation No. 228*, 54 Md. App. 149, 458 A.2d 820, *cert. denied*, 296 Md. 414 (1983).

Animal cruelty seizures. — While Md. Code Ann., Crim. Law § 10-615 does not provide for seizure of an animal that is already in State custody in connection with a criminal proceeding, an officer of a humane society may notify the animal’s owner or custodian of an intent to take possession of the animal upon the animal’s release from State custody in the criminal case. *Rohrer v. Humane Soc’y of Wash. Cty.*, 454 Md. 1, 163 A.3d 146 (2017).

No implied private right of action for damages. — Licensed gun collector was not entitled to statutory damages against a county and its police officers, for the police officers allegedly having mishandled firearms during the execution of a search and seizure warrant of the collector’s home, because the collector’s claims constituted a tort action, as an implied private right of action under statute did not exist, and the officers were entitled to immunity as there was an absence of malice. *Bord v. Balt. County*, 220 Md. App. 529, 104 A.3d 948 (2014).

Applied in *In re Calvin S.*, 175 Md. App. 516, 930 A.2d 1099 (2007).

Quoted in *Robinson v. State*, 451 Md. 94, 152 A.3d 661 (2017).

Cited in *Wood v. State*, 196 Md. App. 146, 7 A.3d 1115 (2010).

B. Exclusionary Rule.

Exclusionary Rule and this section contrasted. — The federal Exclusionary Rule and former Art. 27, § 551 (now this section), though overlapping minimally as they touched probable cause and possibly particularity of description, were totally divergent remedies, with vastly diverse histories, serving completely different purposes, utilizable at significantly different stages of legal proceedings, available to different classes of litigants with different problems, and emanating from separate sovereigns. In *re Special Investigation No. 228*, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

Section did not involve Exclusionary Rule of evidence. — Former Art. 27, § 551 (now this section) did not remotely involve, explicitly or implicitly, the Exclusionary Rule of evidence. It was not in *pari materia* with either the federal Fourth Amendment or article 26 of the Maryland Declaration of Rights. It was first enacted to determine who had a right to keep the cash following police raids on bookmaking parlors and lottery headquarters. *Anne Arundel County v. Chu*, 69 Md. App. 523, 518 A.2d 733, cert. denied, 364 Md. 536, 774 A.2d 409 (2001), appeal dismissed, 481 U.S. 1026, 107 S. Ct. 1950, 95 L. Ed. 2d 523 (1987), *aff'd*, 311 Md. 673, 537 A.2d 250 (1988).

Former Art. 27, § 551 did not contain an exclusionary rule. *Chu v. Anne Arundel County*, 311 Md. 673, 537 A.2d 250 (1988).

It was solely the extension of the federal constitutional Exclusionary Rule to the states via *Mapp v. Ohio*, 367 U.S. 643, 81 S. Ct. 1684, 6 L. Ed. 2d 1081 (1961), and not via former Art. 27, § 551, which permitted in criminal cases the exclusion from a search warrant application of facts obtained by an illegal search and seizure. *Chu v. Anne Arundel County*, 311 Md. 673, 537 A.2d 250 (1988).

Infractions less than constitutional stature. — The Exclusionary Rule deals exclusively with matters of constitutional dimension; former Art. 27, § 551 (now this section) dealt in part with infractions that were of less than constitutional stature. In *re Special Investigation No. 228*, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

Former section applicable to searches executed under warrant. — The Exclusionary Rule deals with warrantless searches as well as with those conducted under authority of a warrant; former Art. 27, § 551 (now this

section) dealt only with searches executed under a warrant. In *re Special Investigation No. 228*, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

Evidence unobtainable through discovery procedures. — State, which was unable to secure fingerprint evidence by way of discovery under Md. Rule 4-263, was not precluded from obtaining the same evidence by a search and seizure warrant under former Art. 27, § 551 (now this section) where defendant was not prejudiced or subject to unfair surprise. *Davis v. State*, 76 Md. App. 775, 548 A.2d 183 (1988), cert. denied, 314 Md. 496, 551 A.2d 867 (1989).

Section not concerned with derivative use. — The Exclusionary Rule forbids derivative use under the “fruit of the poisonous tree” doctrine; this section mandates only the return of possession and has no concern with derivative use. In *re Special Investigation No. 228*, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

Suppression of evidence. — The mere availability of the remedy under (a) does not, *ipso facto*, demonstrate the right to have evidence suppressed under the Exclusionary Rule, or vice versa. In *re Special Investigation No. 228*, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

No sanction of exclusion of evidence for a violation of this section. — There is no sanction of exclusion of evidence for a violation of this section, and such a sanction would be proper only when a violation of the statute coincidentally is also a violation of the Constitution. *Pearson v. State*, 126 Md. App. 530, 730 A.2d 700 (1999).

Right of possession and return of seized property. — The Exclusionary Rule is not remedial in intent but serves a prophylactic purpose of general deterrence, aimed at curbing future police misconduct; this section is exclusively remedial in purpose and is concerned with restoring a right of possession to one wrongfully deprived of that right. In *re Special Investigation No. 228*, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

The Exclusionary Rule concerns only improper searches and seizures; two of the three situations in which former Art. 27, § 551 (now this section) required the return of seized property concerned proper searches and seizures. In *re Special Investigation No. 228*, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

Banned evidence. — The Exclusionary Rule bans unconstitutionally seized contraband as well as any other variety of evidence. In *re Special Investigation No. 228*, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983).

Evidence not excluded. — Exclusion of evidence sanction for violation of former Art.

27, § 551 (now this section) rejected. *Howell v. State*, 60 Md. App. 463, 483 A.2d 780 (1984).

Defendant's argument that evidence recovered from defendant's residence should not have been admitted based on an exclusionary rule founded upon Maryland common law and/or constitutional law had to be rejected. No knock search warrants such as were executed in a case where defendant was convicted of drug charges were authorized by (a)(2)(ii) and (iii), and, in any event, Maryland did not have an independent exclusionary rule under the common law of the relevant constitutional provision, art. 26 of the Declaration of Rights. *Ford v. State*, 184 Md. App. 535, 967 A.2d 210 (2009).

C. Procedure.

1. Jurisdiction of Court and Public Officials and Law Enforcement Officers; Procedures in Court.

Authority of District Court judge. — A District Court judge has the authority to issue a search warrant for execution in any other county of this State. This scope of authority includes District Court judges in Baltimore City, because the city is a district within the jurisdiction of the court, and its judges have statewide uniform jurisdiction to issue search warrants anywhere in Maryland. 77 Op. Att'y Gen. 233 (July 14, 1992).

By whom warrants issued. — Although the applicable section of the Montgomery County Code authorized the issuance of search warrants only by justices of the peace and the clerk of the circuit court, the issuance of a warrant by the judge of the circuit court to search for gambling paraphernalia prohibited by the county code was authorized by this section. *Bratburd v. State*, 200 Md. 96, 88 A.2d 446, cert. denied, 344 U.S. 908, 73 S. Ct. 327, 97 L. Ed. 700 (1952), rehearing denied, 345 U.S. 914, 73 S. Ct. 638, 97 L. Ed. 1348 (1953).

Determining sufficiency of warrant. — The sufficiency of a search warrant may so be determined by any judge having jurisdiction. *Goodman v. State*, 178 Md. 1, 11 A.2d 635 (1940); *Allen v. State*, 178 Md. 269, 13 A.2d 352 (1940); *Foreman v. State*, 182 Md. 415, 35 A.2d 171 (1943).

Disclosure of address and date of execution of a search warrant related to a drug violation. — The State's Attorney's Office may not make available to a community organization the address and date of execution of a search warrant related to a drug violation unless a court order permits the disclosure or the information has otherwise been publicly disclosed, for example, as a result of a criminal prosecution; however, disclosure of that information for purposes of a nuisance abatement action could be an appropriate basis for a court order. 87 Op. Att'y Gen. 76 (May 20, 2002).

"Duly constituted policeman." — A warrant was directed to a duly constituted police officer when it was directed to "any officer of the Maryland State Police." *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971).

Seizure by duly constituted police officer. — Where the search was under the personal and immediate direction of a duly constituted police officer and the contents of a box were seized by the officer, the fact that an assistant State's Attorney assisting in the search, who discovered the box, was not a duly constituted policeman, constable, or police officer did not invalidate the search and seizure. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971).

Issuance to parole or probation agent invalid. — A search warrant may not be validly issued to a parole or probation agent for purposes of conducting any kind of search. 63 Op. Att'y Gen. 502 (1978).

Parole or probation agent may accompany officer executing warrant. — It would be permissible for a parole or probation agent to accompany a duly constituted law enforcement officer who is executing a lawfully issued search warrant. 63 Op. Att'y Gen. 502 (1978).

Warrant requirements and police powers. — The University of Maryland Police have "all the powers of a peace and police officer in this State," which includes the authority to apply for a search warrant, but there is no requirement that the officer applying for the warrant have the powers of a police officer within the jurisdiction in which the items to be seized are located. *Hill v. State*, 134 Md. App. 327, 759 A.2d 1164 (2000), cert. denied, 362 Md. 188, 763 A.2d 735 (2000).

State trooper's testimony did not elevate unsworn, unsigned copy to status of original warrant. — Where there was nothing in the record, other than a state trooper's testimony, that a search warrant was actually issued, the trooper's testimony was not sufficient to elevate an unsworn, unsigned copy of the warrant to the status of an original warrant. *Campofreda v. State*, 15 Md. App. 693, 292 A.2d 703 (1972).

Territorial jurisdiction. — A District Court Judge has territorial jurisdiction to issue a search warrant for any county of the State; the judge's jurisdiction is not limited to the county or district of residence. *Birthead v. State*, 317 Md. 691, 566 A.2d 488 (1989).

Warrant cannot have extraterritorial effect. — A search must be made within the limits of the jurisdiction of the judge or justice of the peace issuing the same. A search warrant cannot have extraterritorial effect. *Asner v. State*, 193 Md. 68, 65 A.2d 881 (1949); *Gattus v. State*, 204 Md. 589, 105 A.2d 661 (1954).

Where search of an automobile and the person were both made outside of the territorial jurisdiction of the judge who issued it, both searches were unlawful. *Gattus v. State*, 204 Md. 589, 105 A.2d 661 (1954).

The arrest and search must both be made within the territorial jurisdiction of the official who issues the search warrant. *Griffin v. State*, 232 Md. 389, 194 A.2d 80 (1963).

The jurisdiction of a circuit court judge is limited to the geographical confines of the county in which the court sits; consequently, a judge of the Circuit Court for Somerset County may not issue a search and seizure warrant pursuant to this section for execution upon premises in another county within the First Judicial Circuit. 61 Op. Att'y Gen. 332 (1976).

Cellphone search warrants. — A warrant or court order for a wiretap under § 10-406 of the Courts Article, for a pen register or trap and trace device under § 10-4B-04 of the Courts Article, or a request for stored information from a telecommunications provider under § 10-4A-04 of the Courts Article must be signed by a circuit court judge, but a warrant or order for the live tracking of a cellphone's location under § 1-203.1 of the Criminal Procedure Article or for the physical search of an actual phone under the general warrant statute in § 1-203 of the Criminal Procedure Article may be signed by either a circuit court judge or a district court judge. 101 Op. Att'y Gen. 35 (August 30, 2016).

Judge must review warrant or secondary evidence of its contents. — Whether a warrant was lawful or not is a matter of law for the determination of the trial judge, a function which the judge manifestly cannot perform unless the judge reviews the warrant in light of the objections made to it, or, if the warrant is shown to be unavailable for proper reasons, by considering secondary evidence of its existence and contents. *Campofreda v. State*, 15 Md. App. 693, 292 A.2d 703 (1972).

It was impossible for a trial judge to have determined as a matter of law that a search warrant was legally proper when the judge did not see the warrant. *Campofreda v. State*, 15 Md. App. 693, 292 A.2d 703 (1972).

A trial judge could not pass upon the validity of a search when neither the warrant nor a completed copy was offered into evidence. *Campofreda v. State*, 15 Md. App. 693, 292 A.2d 703 (1972).

A conviction cannot be sustained where a search warrant, under which the evidence has been obtained, is not introduced in evidence, where it appears from the evidence that the discovery and seizure was attempted to be justified by the officer's possession of a search warrant the validity of which, though objected to and attacked, was not established by the introduction of the warrant itself, or by proof of

its contents. *Campofreda v. State*, 15 Md. App. 693, 292 A.2d 703 (1972).

Effect of attitude of reviewing courts. — Grudging or negative attitude by reviewing courts toward warrants will tend to discourage police officers from submitting their evidence to a judicial officer before acting. *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Tucker v. State*, 244 Md. 488, 224 A.2d 111 (1966), cert. denied, 386 U.S. 1024, 87 S. Ct. 1381, 18 L. Ed. 2d 463 (1967); *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968), cert. denied, 252 Md. 732, 252 Md. 733 (1969); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968).

Motion to quash may be heard "at any time." — As former Art. 27, § 551 used the words "at any time," the General Assembly intended that a hearing on motion to quash the search warrant might be heard either before or during the trial. *Smith v. State*, 191 Md. 329, 62 A.2d 287 (1948), cert. denied, 336 U.S. 925, 69 S. Ct. 656, 93 L. Ed. 1087 (1949).

In view of the language "at any time" contained in former Art. 27, § 551 it was not error to refuse a motion that the defendant be permitted to testify out of the presence of the jury as to the circumstances of a search. *Eisenstein v. State*, 200 Md. 593, 92 A.2d 739 (1952).

Motion to quash not a substitute for replevin. — Motion to quash a search warrant is not a substitute for replevin to determine title to property or money taken. *Novak v. State*, 195 Md. 56, 72 A.2d 723 (1950).

Former Art. 27, § 551 was held not to be a substitute for action of replevin or other appropriate proceeding to determine right of possession of property after it has served its purpose as real evidence in criminal case. *Dail v. Price*, 184 Md. 140, 40 A.2d 334 (1944).

Motion to return property similar to motion to quash. — Motion to return property seized on an illegal search is similar to a motion to quash an illegal search and may under former Maryland Rule 736 (now Rule 4-252) be disposed of before trial. *Rizzo v. State*, 201 Md. 206, 93 A.2d 280 (1952).

When defendant, after expiration of the probation imposed following defendant's guilty plea to violating a domestic protective order, sought return of the weapons seized from defendant's home, a trial court had jurisdiction to consider defendant's motion because (1) nothing barred the court's consideration of such a motion following the completion of probation, and (2) (d)(1) let the court hear such a motion as to property seized pursuant to a warrant, and the warrantless search of defendant's home pursuant to defendant's wife's consent equated to a search pursuant to a warrant. *Furda v. State*, 193 Md. App. 371, 997 A.2d 856 (2010).

Seizure of property not described in warrant. — The general rule is that property other than that for which a search is being

made under the authority of a search warrant cannot be seized under the authority of that warrant because it does not come within the description of the warrant. *Brooks v. State*, 235 Md. 23, 200 A.2d 177 (1964); *Anglin v. State*, 1 Md. App. 85, 227 A.2d 364 (1967), cert. denied, 246 Md. 757 (1969).

When an executing officer, upon entering the premises under a valid search warrant, finds thereon contraband or property, the possession of which is illegal and constitutes an offense against the State or government, the officer has a right to seize such property even though it was not described in the search warrant. *Brooks v. State*, 235 Md. 23, 200 A.2d 177 (1964); *Anglin v. State*, 1 Md. App. 85, 227 A.2d 364 (1967), cert. denied, 246 Md. 757 (1969).

The fruits of crime, such as stolen property, may be legally seized, notwithstanding that the search warrant fails to describe such articles. *Anglin v. State*, 1 Md. App. 85, 227 A.2d 364 (1967), cert. denied, 246 Md. 757 (1969).

While it is the general rule that property other than that for which a search is being made under the authority of a search warrant cannot be seized where it does not come within the description of the warrant, an exception to that rule exists where officers lawfully on the premises discover other property which they have reasonable cause to believe has been stolen. *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968), cert. denied, 252 Md. 732 (1969).

Even if other items had been unconstitutionally seized, that frailty would not mandate the suppression of the items which were constitutionally seized. *Shoemaker v. State*, 52 Md. App. 463, 451 A.2d 127 (1982).

Seizure of obscene materials. — A prior adversary hearing is a constitutional prerequisite to seizure of materials for violation of obscenity laws. *Adler v. Pomerleau*, 313 F. Supp. 277 (D. Md. 1970).

The purpose of such hearing is to safeguard against governmental suppression of nonobscene expression. *Adler v. Pomerleau*, 313 F. Supp. 277 (D. Md. 1970).

Nature of hearing on obscenity. — While the Constitution requires an adversary hearing to determine obscenity before seizure of a movie, the hearing need not be a fully matured action at law. *Adler v. Pomerleau*, 313 F. Supp. 277 (D. Md. 1970).

This section does not preclude such hearing. *Adler v. Pomerleau*, 313 F. Supp. 277 (D. Md. 1970).

Allegedly obscene material seized without prior hearing on obscenity question must be returned. — Allegedly obscene material seized pursuant to warrants which were issued and executed without any prior adversary hearing on the question of obscenity of the material must be returned. *Adler v. Pomerleau*, 313 F. Supp. 277 (D. Md. 1970).

Reasonable search for obscene material.

— That property may be obscene does not per se preclude a reasonable search for it or a reasonable seizure of it with regard to a criminal cause in which the issue is not the obscenity vel non of the property. *Hughes v. State*, 14 Md. App. 497, 287 A.2d 299, cert. denied, 409 U.S. 1025, 93 S. Ct. 469, 34 L. Ed. 2d 317 (1972).

“Misdemeanor or felony being committed.” — The State had statutory authority to seize a pornographic magazine from defendant’s apartment even though the completed sex crimes of which defendant was convicted were not “being committed” when it was seized, and the magazine itself was not contraband. *Partain v. State*, 63 Md. App. 260, 492 A.2d 669, cert. denied, 304 Md. 299 (1985).

Return of property sanction unavailable where applicant fails to sign warrant.

— By its express terms, the sanction of former Art. 27, § 551 (now this section) providing for the return of the goods to the owner was only available for a failure to comply with the probable cause requirement and was not available for the failure of the applicant to sign the warrant. *Howell v. State*, 60 Md. App. 463, 483 A.2d 780 (1984).

Return of contraband not compelled.

— Former Art. 27, § 551 (now this section) did not compel the return of contraband, no matter how unconstitutional or otherwise illegal its seizure may have been. In re Special Investigation No. 228, 54 Md. App. 149, 458 A.2d 820, cert. denied, 296 Md. 414 (1983); *Anne Arundel County v. Chu*, 69 Md. App. 523, 518 A.2d 733, cert. denied, 364 Md. 536, 774 A.2d 409 (2001), appeal dismissed, 481 U.S. 1026, 107 S. Ct. 1950, 95 L. Ed. 2d 523 (1987), aff’d, 311 Md. 673, 537 A.2d 250 (1988).

Deprivation of property did not violate due process.

— City policy requiring plaintiff, who was taken into custody for an emergency psychiatric evaluation pursuant to § 10-622 of the Health - General Article but was never formally committed pursuant to § 10-619 of the Health - General Article or charged with any crime, to fill out the city police department’s application for return of firearms before returning seized firearms that plaintiff was licensed to hold under State and federal law exceeded the city’s authority under State law because (1) § 4-209(a) of the Criminal Law Article precluded the city from imposing its own requirements with regard to plaintiff’s having and holding firearms that the State and federal governments had licensed plaintiff to have and hold; (2) the State police presumably had authority under §§ 5-105 and 5-122 of the Public Safety Article to revoke a license to possess firearms if a licensee were deemed to present a personal danger or danger to others; (3) art. 23A, § 2(b)(10) of the Code (now § 5-207(b) of the Local Government Article) was inapplicable

due to the fact that the case did not involve explosive materials or the discharge of firearms; (4) § 5-103 of the Public Safety Article, which contained exceptions similar to the carve-outs in §§ 5-102 and 5-119 of the Public Safety Article, did not provide an exception for transfers made to local law enforcement agencies; (5) §§ 5-133(b) and 5-134 of the Public Safety Article, which set out qualifications for the possession, sale, rental, or transfer of firearms, confined determinations regarding whether a person was a habitual drunkard or a habitual drug user and whether a person suffered from a mental disorder by referring to the definitions set forth in § 5-101(l) and (m) of the Public Safety Article, § 10-101(f)(2) of the Health - General Article, and § 5-133(b)(6) of the Public Safety Article; (6) §§ 5-133(b) and 5-134 of the Public Safety Article did not contain a catch-all provision for detaining otherwise duly licensed firearms based on generalized concerns about public safety; (7) although § 5-104 of the Public Safety Article only preempted local restrictions on sales of firearms, §§ 5-133(a) and 5-134(a) of the Public Safety Article preempted restrictions on the possession and transfer of firearms; and (8) the city's argument that Title 5, Subtitle 1 of the Public Safety Article did not apply to the return of seized firearms conflicted with § 13-203(b)(2) of this article. However, the wrongful deprivation of plaintiff's firearms did not violate procedural or substantive due process because (1) plaintiff could seek the return of property in the State courts pursuant to this section and §§ 1-501 and 4-401(2) of the Courts Article; and (2) the city's conduct was not egregiously unacceptable, outrageous, or conscience-shocking. *Mora v. City of Gaithersburg*, 462 F. Supp. 2d 675 (D. Md. 2006), aff'd in part, modified on procedural grounds, 519 F.3d 216 (4th Cir. Md. 2008).

Drug-detecting dog and school locker. — Once drug-detecting dog alerts authorities that school locker contains contraband, a search warrant must be obtained, in conformance with this section and Md. Rule 780 (now Rule 4-601), before the police may search the inside of the locker. 65 Op. Att'y Gen. 201 (1980).

2. Affidavits; Application and Issuance of Warrant; Evidence.

Affidavit requirements. — The concept of an affidavit is not limited to a writing prepared by the affiant; the affiant is required only to make an oath that the matters set forth in the paper writing are true. *Valdez v. State*, 300 Md. 160, 476 A.2d 1162 (1984).

The oath may be made by signing the paper and including the requisite representation; or the oath may simply be made as a declaration that the statements are true to a person autho-

rized to administer an oath. *Valdez v. State*, 300 Md. 160, 476 A.2d 1162 (1984).

Where application for issuance of a search warrant incorporated an affidavit by reference and this section did not specifically require the affidavit to be signed, the officer's failure to sign the affidavit did not violate this section and, even if violated, such an omission was at most a technical violation insufficient to support suppression of evidence. *United States v. Beall*, 581 F. Supp. 1457 (D. Md. 1984), aff'd, 767 F.2d 913 (4th Cir. 1985).

When application for warrant is proper.

— Where there is reason to believe that a crime is being committed, but the circumstances are not such as to warrant an immediate arrest, and there is ample time to get a search warrant, the proper practice is to apply for such a warrant to be issued under this section. This would also be sound practice if there were any occasion for a more extended search than that which might be authorized as an incident to a lawful arrest without a warrant. *Givner v. Cohen*, 208 Md. 23, 116 A.2d 357 (1955).

Insufficiency of affidavit. — An affidavit based upon recital of alleged conversation with unknown individual, standing alone, cannot form the basis for a proper search warrant. *Shrout v. State*, 238 Md. 170, 208 A.2d 585 (1965).

Sufficiency of evidence. — Valid search warrant, properly executed, may produce evidence sufficient to convict a person accused of crime. *Campofreda v. State*, 15 Md. App. 693, 292 A.2d 703 (1972).

A defective and invalid search warrant produces confusion, waste and injustice, to an accused or to society, or to both. *Campofreda v. State*, 15 Md. App. 693, 292 A.2d 703 (1972).

Validity of warrant. — The validity of a warrant must be determined by what appears within the four corners of the affidavit. *Brooks v. State*, 13 Md. App. 151, 282 A.2d 516 (1971), cert. denied, 264 Md. 746 (1972).

Validity of warrant not dependent upon consent. — The validity of a warrant and the right to search thereunder are not dependent upon the consent of the person or owner of the property being searched. *Wright v. State*, 222 Md. 242, 159 A.2d 636, cert. denied, 364 U.S. 920, 81 S. Ct. 283, 5 L. Ed. 2d 259 (1960).

Prosecution for false statement. — If an applicant for a search warrant wilfully makes a false statement in the affidavit, the applicant can be prosecuted under Art. 27, § 435 (now § 9-101 of the Criminal Law Article) for perjury. *Scarborough v. State*, 3 Md. App. 208, 238 A.2d 297 (1968).

Service of affidavit. — There is no requirement that the affidavit be served; that would be unnecessary if its statements of fact are incorporated in the warrant. It would be the better practice either for the warrant to recite the

facts contained in the affidavit, or to see that it is attached to it and referred to as part of it. *Goodman v. State*, 178 Md. 1, 11 A.2d 635 (1940).

Service of warrant. — The purpose of the service of the warrant is not only to authorize the officer to make the search, but to inform the one named and suspected, if the named one be on the premises, what is being done and why. *Goodman v. State*, 178 Md. 1, 11 A.2d 635 (1940).

Even though a search warrant was undated, the four-corners rule did not bar testimony about when an undated warrant was signed for the purpose of determining whether it was void under the service provisions of this section; the suppression court properly considered a detective's testimony that the judge signed the warrant on October 17, 2016, for the purpose of determining whether it was executed within 15 days thereafter. *Weeks v. State*, — Md. App. —, —A.3d —, 2018 Md. App. LEXIS 1125 (Dec. 12, 2018).

Failure to serve not grounds for questioning. — This section does not require the service or reading of the warrant or make failure to serve the warrant a ground for quashing it. The court suggests that, if required, the conduct of the defendant might constitute a waiver. *Adams v. State*, 200 Md. 133, 88 A.2d 556 (1952).

Anticipatory search warrants. — Subsection (a) does not require that the evidence to be seized must be present at the place to be searched at the time the warrant is issued. *Kostelec v. State*, 112 Md. App. 656, 685 A.2d 1222 (1996).

An anticipatory search warrant, issued on the basis of an affidavit which lacked probable cause that a crime was being committed at the time of issuance, is not in compliance with (a). *Kostelec v. State*, 348 Md. 230, 703 A.2d 160 (1997).

Original warrant is best evidence. — The best evidence rule is applicable in criminal cases, and as such the original warrant, itself, is the best evidence of the true contents of the warrant. *Campofreda v. State*, 15 Md. App. 693, 292 A.2d 703 (1972).

Articles while case is pending. — While the criminal case is pending, articles seized cannot be replevied because they are in custodia legis. *Dail v. Price*, 184 Md. 140, 40 A.2d 334 (1944).

Section complied with. — See *Foreman v. State*, 182 Md. 415, 35 A.2d 171 (1943).

3. Search and Seizure.

Arrest under search warrant. — The directive in search warrants to make an arrest is a conditional one. As an arrest warrant for a prior offense it is void because it does not

charge the commission of the offense. It is only valid if the search reveals the commission of an offense, and in that event the arrest is for the offense revealed by the search. Thus, if the search is invalid, the arrest under the warrant must also be invalid. *Gattus v. State*, 204 Md. 589, 105 A.2d 661 (1954).

Arrest and search of persons. — The command of the search warrant to arrest and search all persons participating in criminal activities would not support a search of one on the premises who had not committed a crime in the presence of the searching officers. *Salmon v. State*, 2 Md. App. 513, 235 A.2d 758 (1967); *Haley v. State*, 7 Md. App. 18, 253 A.2d 424 (1969).

Where a directive to make an arrest is included as one of the commands of the warrant, such directive is a conditional one, valid only if the search reveals the commission of an offense, in which event the arrest is for the offense revealed by the search. *Salmon v. State*, 2 Md. App. 513, 235 A.2d 758 (1967).

Conditional arrest permitted. — As the search warrant itself must be founded upon probable cause, conditional arrest for the purpose of executing the warrant is not illegal or unreasonable. There was nothing unreasonable in the police taking defendant to a nearby station house to conduct the search. *Griffin v. State*, 232 Md. 389, 194 A.2d 80 (1963).

Directive to arrest conditional. — While a search warrant is issued only for the purpose of making a search, and thus does not operate as an arrest warrant, nevertheless where a directive to make an arrest is included as one of the commands of the warrant, such directive is a conditional one, valid only if the search reveals the commission of an offense, in which event the arrest is for the offense revealed by the search. *Haley v. State*, 7 Md. App. 18, 253 A.2d 424 (1969).

Detention of individuals during execution of search warrant justified. — Detentions of individuals in the course of executing a search warrant were justified under three circumstances: 1) having the occupant accessible to aid in the search; 2) preventing the occupant from fleeing if contraband was located; and 3) minimizing the risk of harm to the officers. *Dashiell v. State*, 374 Md. 85, 821 A.2d 372 (2003).

Removal of individual not unreasonable. — Removal of individual from street to nearby station house for purpose of executing search warrant was not unreasonable and the search was lawful. *Williams v. State*, 229 Md. 329, 182 A.2d 783 (1962), cert. denied, 373 U.S. 925, 83 S. Ct. 1527, 10 L. Ed. 2d 424 (1963).

Detention. — If the search fails to disclose any property described in the search warrant, then the police would have no right to continue the detention of the "named or described" per-

son under the authority of the search warrant. *Griffin v. State*, 232 Md. 389, 194 A.2d 80 (1963).

Warrants for automobile and occupants. — A search warrant may be issued for an automobile and persons in it. *Asner v. State*, 193 Md. 68, 65 A.2d 881 (1949); *Gattus v. State*, 204 Md. 589, 105 A.2d 661 (1954).

Necessary preconditions for warrantless search of automobile. — The first of the two necessary preconditions for the warrantless search of an automobile is the existence of probable cause to believe that the automobile contained an instrumentality or other evidence of crime. The second necessary precondition is exigent circumstances. *Bailey v. State*, 16 Md. App. 83, 294 A.2d 123 (1972).

Custody does not extinguish exigency. — Mere placing of suspect vehicle's occupants in custody does not extinguish exigency, if it otherwise exists. *Bailey v. State*, 16 Md. App. 83, 294 A.2d 123 (1972).

Search where affidavit included information as to weapons. — When specific information enumerating factors suggesting a possibility of weapons being present on a person or persons who might be in a premises and/or in a place to be searched was included within an affidavit to obtain a search warrant and the warrant issued without any limitations as to the officers' authority to frisk subjects for weapons, the police could frisk individuals found therein for weapons in order to ensure the safety of the officers. *Dashiell v. State*, 374 Md. 85, 821 A.2d 372 (2003).

Search under "no-knock" warrant. — Mere issuance of a "no-knock" warrant did not, per se, rise to the level of articulable suspicion needed for an officer to conduct a Terry frisk for weapons. *Dashiell v. State*, 374 Md. 85, 821 A.2d 372 (2003).

Officers executing a search warrant based upon an application which specifically articulated that the search was to be of an armed individual and of a residence where weapons might be found, could conduct a pat-down frisk of the individuals located inside that residence, and when the warrant application specifically articulated that weapons were known to be on the premises to be searched for drugs and the judge issuing the warrant did not reject that part of the application, an inherent danger might exist to those officers executing such a search. *Dashiell v. State*, 374 Md. 85, 821 A.2d 372 (2003).

Thus, it does not operate as an arrest warrant. *Salmon v. State*, 2 Md. App. 513, 235 A.2d 758 (1967).

New suppression hearing was required to determine the propriety of a "no-knock" entry at the time of the entry, rather than at the time of the application for the search warrant; if there was a violation of the "knock and an-

nounce" principle, the evidence was excludable. *Parker v. State*, 402 Md. 372, 936 A.2d 862 (2007).

Demand prior to breaking in doors. — A demand is necessary prior to the breaking in of the doors only where some person is found in charge of the building to be searched. *Goodman v. State*, 178 Md. 1, 11 A.2d 635 (1940).

Who may protest illegal search. — Person protesting illegal search or seizure must lawfully occupy or have interest in premises searched and not merely be there when search is made. *Lambert v. State*, 196 Md. 57, 75 A.2d 327 (1950).

Seizure of property not described in warrant. — The general rule is that property other than that for which a search is being made under the authority of a search warrant cannot be seized under the authority of that warrant because it does not come within the description of the warrant. *Brooks v. State*, 235 Md. 23, 200 A.2d 177 (1964); *Anglin v. State*, 1 Md. App. 85, 227 A.2d 364 (1967), cert. denied, 246 Md. 757 (1969).

When an executing officer, upon entering the premises under a valid search warrant, finds thereon contraband or property, the possession of which is illegal and constitutes an offense against the State or government, the officer has a right to seize such property even though it was not described in the search warrant. *Brooks v. State*, 235 Md. 23, 200 A.2d 177 (1964); *Anglin v. State*, 1 Md. App. 85, 227 A.2d 364 (1967), cert. denied, 246 Md. 757 (1969).

The fruits of crime, such as stolen property, may be legally seized, notwithstanding that the search warrant fails to describe such articles. *Anglin v. State*, 1 Md. App. 85, 227 A.2d 364 (1967), cert. denied, 246 Md. 757 (1969).

While it is the general rule that property other than that for which a search is being made under the authority of a search warrant cannot be seized where it does not come within the description of the warrant, an exception to that rule exists where officers lawfully on the premises discover other property which they have reasonable cause to believe has been stolen. *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968), cert. denied, 252 Md. 732 (1969).

Even if other items had been unconstitutionally seized, that frailty would not mandate the suppression of the items which were constitutionally seized. *Shoemaker v. State*, 52 Md. App. 463, 451 A.2d 127 (1982).

II. PROBABLE CAUSE.

A. General Consideration.

Search authorized only on basis of probable cause. — It is upon the existence of probable cause, and upon no other basis, that this section authorizes a search for specifically designated property unlawfully obtained, or

held, or of evidence of the commission of the crime. *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968), cert. denied, 252 Md. 732, 252 Md. 733 (1969).

The real issue in the evaluation of whether a search warrant was properly issued is the presence or absence of probable cause, a term defined as less than certainty of proof, but more than suspicion or possibility. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

Constitutional requirements. — As far as the requirement of probable cause for the issuance of a warrant is concerned, (a), like article 26 of the Declaration of Rights, is in *pari materia* with the Fourth Amendment. *Kostelec v. State*, 112 Md. App. 656, 685 A.2d 1222 (1996).

Meaning of “probable cause.” — Probable cause is less than certainty or demonstration but more than suspicion or possibility. *Henson v. State*, 236 Md. 518, 204 A.2d 516 (1964), overruled in part on other grounds as stated in *State v. Lee*, 374 Md. 275, 821 A.2d 922 (2003); *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968), cert. denied, 252 Md. 732, 252 Md. 733 (1969); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968); *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828 (1971); *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972).

What acts constitute probable cause seem incapable of definition. It is less than certainty or truth, but more than suspicion or possibility. The facts alleged to show probable cause are sufficient if they are such as to warrant a prudent and cautious man in believing that the offense has been committed. *Smith v. State*, 191 Md. 329, 62 A.2d 287 (1948), cert. denied, 336 U.S. 925, 69 S. Ct. 656, 93 L. Ed. 2d 1087 (1949); *Asner v. State*, 193 Md. 68, 65 A.2d 881 (1949); *Lucich v. State*, 194 Md. 511, 71 A.2d 432 (1950); *Fleming v. State*, 201 Md. 145, 92 A.2d 747 (1952); *Dean v. State*, 205 Md. 274, 107 A.2d 88 (1954).

Probable cause is a mixed question of law and fact. The test for the issuance of a search and seizure warrant, therefore, is that if the information as to the facts and circumstances acquired by the applicant are such as to justify a man of prudence and caution to believe that an offense is being committed, a sufficient basis for the oath and application is established. *Riley v. State*, 179 Md. 304, 18 A.2d 583 (1941).

If the observation of the premises by the officers as disclosed by the application was sufficient to justify the belief in a rationally-minded person that the law was there being violated, the existence of probable cause as contemplated by the statute is gratified. *Frankel v. State*, 178 Md. 553, 16 A.2d 93 (1940).

The standard of probable cause is only the probability, and not a *prima facie* showing, of criminal activity. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

If a prudent and cautious man would be justified from the facts presented in the affidavit in believing that the offense has been or is being committed, the warrant properly may be issued. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971).

If the apparent facts set out in the affidavit are such that a reasonably discreet and prudent man would be led to believe that there was a commission of the offense charged, there is probable cause justifying the issuance of a warrant. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

Where petition under this section is predicated on an alleged want of probable cause to support a search warrant, the concept of probable cause contained in (a) need not be regarded “as requiring interpretation in the light of evolving Fourth Amendment decisional law.” *Chu v. Anne Arundel County*, 311 Md. 673, 537 A.2d 250 (1988).

“Reasonable grounds” and “reason to believe” synonymous with “probable cause.” — The terms “reasonable grounds” and “reason to believe,” as the basis for the application on the part of the affiant, are interchangeable and synonymous with the term “probable cause,” and such variance from the direction of the statute may be ignored. *Riley v. State*, 179 Md. 304, 18 A.2d 583 (1941).

In a warrant the judge used the phrase “reasonable cause,” while this statute requires that the affidavit of the applicant must show that there is “probable cause.” The two expressions were held to be interchangeable and synonymous. *Goodman v. State*, 178 Md. 1, 11 A.2d 635 (1940).

Only “unreasonable” searches prohibited by federal Constitution. — The Fourth Amendment to the United States Constitution, as made applicable to the states by the Fourteenth Amendment, prohibits only those searches which are or may properly be classified as “unreasonable.” *Anglin v. State*, 1 Md. App. 85, 227 A.2d 364 (1967), cert. denied, 246 Md. 757 (1969).

What is a reasonable search is not to be determined by any fixed formula. — The federal Constitution does not define what are “unreasonable” searches and, regrettably, there is no ready litmus paper test. The recurring questions of the reasonableness of searches must find resolution in the facts and circumstances of each case. *Anglin v. State*, 1 Md. App. 85, 227 A.2d 364 (1967), cert. denied, 246 Md. 757 (1969).

Searches incident to lawful arrest and subsequent inventory searches. — Court of appeals, in affirming defendant's convictions, held defendant, when incarcerated, had no Fourth Amendment reasonable expectation of privacy in property (clothing) legally seized and lawfully stored in police custody by law enforcement officials; subsequent searches or seizures of that property by officers, for the crime for which the individual was arrested or another crime, normally did not violate the individual's Fourth Amendment protections. *Wallace v. State*, 373 Md. 69, 816 A.2d 883 (2003).

Standard of probable cause. — Evidence which is sufficient for conviction is not required for the issuance of a search warrant. In other words, only the probability, and not a prima facie showing of criminal activity, is the standard of probable cause. *Grimm v. State*, 6 Md. App. 321, 251 A.2d 230 (1969), cert. denied, 255 Md. 741 (1969), cert. denied, 397 U.S. 1001, 90 S. Ct. 1150, 25 L. Ed. 2d 412 (1970); *German v. State*, 14 Md. App. 120, 286 A.2d 171 (1972).

The finding of "probable cause," while demanding more than mere suspicion, requires less evidence than would justify conviction, and less than would justify an officer in making a search without a warrant. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

Probable cause dependent on circumstances. — No mathematical formula exists for application either by a trial or appellate court in deciding whether a search warrant was supported by probable cause. Each case depends upon a sensitive appraisal of the circumstances shown to the issuing judge. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

"Things to be seized" must be evidence of crime. — Probable cause in a warrant application must establish that the particularly described "things to be seized" are, indeed, evidence of crime. *Andresen v. State*, 24 Md. App. 128, 331 A.2d 78, cert. denied, 535 U.S. 940, 122 S. Ct. 1324, 152 L. Ed. 2d 231 (2002), cert. denied, 274 Md. 725 (1975), aff'd, 427 U.S. 463, 96 S. Ct. 2737, 49 L. Ed. 2d 627 (1976).

Evidence of crime to be seized not on premises to be searched. — Subsection (a) of former Art. 27, § 551 (now this section) did not authorize a warrant to search for and seize evidence of crime on described premises when the affidavit in support of issuing the warrant showed that the evidence of crime to be seized was not on the premises to be searched when the warrant was issued. *Kostelec v. State*, 348 Md. 230, 703 A.2d 160 (1997).

Facts held sufficient to show probable cause. — See *Goodman v. State*, 178 Md. 1, 11 A.2d 635 (1940); *Foreman v. State*, 182 Md. 415, 35 A.2d 171 (1943); *Gross v. State*, Daily Record, Nov. 3, 1951; *Carpenter v. State*, 200 Md. 31, 88 A.2d 180 (1952); *Leonard v. State*, 200 Md. 58, 88 A.2d 181 (1952); *Adams v. State*, 200

Md. 133, 88 A.2d 556 (1952); *Chernock v. State*, 203 Md. 147, 99 A.2d 748 (1953); *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972); *German v. State*, 14 Md. App. 120, 286 A.2d 171 (1972); *State v. Amerman*, 84 Md. App. 461, 581 A.2d 19 (1990).

Observation of premises by police officers in particular case held sufficient to justify search warrant. *Frankel v. State*, 178 Md. 553, 16 A.2d 93 (1940).

The allegations of the application were sufficient for judge, acting as the cautious and prudent judicial officer the law requires, to find that there was probable cause to believe that violations of the laws against lotteries were being committed. *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966).

When a man suspected of participating in lotteries was seen on two occasions on certain premises to deliver brown paper bags to another man and they both acted in a suspicious manner, and on another occasion the suspect was seen to take into the premises certain slips resembling lottery slips, there was probable cause for issuing a warrant to search the premises. *Fleming v. State*, 201 Md. 145, 92 A.2d 747 (1952).

In case where complaint for arrest warrant charging homicide merely stated complainant's conclusion that accused committed it, based upon information furnished from an unnamed informant with no showing therein of credibility of informant or reliability of the information, nor with any showing complainant by personal observations possessed sufficient factual information to support a finding of probable cause, there was no support for a finding of probable cause by issuing magistrate and accused's arrest under authority of such a warrant violated the constitutional rights under the Fourth and Fourteenth Amendments. *Collins v. State*, 17 Md. App. 376, 302 A.2d 693 (1973).

Where affidavit was based upon a combination of hearsay information from a reliable informant, buttressed by the direct observations of the affiant, it presented the issuing judge with facts and circumstances clearly sufficient to show probable cause to believe that heroin was being concealed within the dwelling described. *Butler v. State*, 19 Md. App. 601, 313 A.2d 554, cert. denied, 271 Md. 732 (1974).

Facts held insufficient to show probable cause. — See *Wood v. State*, 185 Md. 280, 44 A.2d 859 (1945); *Bratburd v. State*, 193 Md. 352, 66 A.2d 792 (1949); *Frantom v. State*, 195 Md. 163, 72 A.2d 744 (1950).

B. Procedure.

Question of "probable cause" must be determined by judge or justice. — This section is mandatory with respect to the re-

quirement that the question of probable cause for the issuance of a valid search warrant should be determined by the judge or justice of the peace who issued the warrant, and not by the person who verified the complaint and applied for the same. *Goodman v. State*, 178 Md. 1, 11 A.2d 635 (1940); *Allen v. State*, 178 Md. 269, 13 A.2d 352 (1940); *Mazer v. State*, 179 Md. 293, 18 A.2d 217 (1941); *Riley v. State*, 179 Md. 304, 18 A.2d 583 (1941); *Foreman v. State*, 182 Md. 415, 35 A.2d 171 (1943); *Wood v. State*, 185 Md. 280, 44 A.2d 859 (1945); *Smith v. State*, 191 Md. 329, 62 A.2d 287 (1948), cert. denied, 336 U.S. 925, 69 S. Ct. 656, 93 L. Ed. 1087 (1949); *Bratburd v. State*, 193 Md. 352, 66 A.2d 792 (1949); *Fleming v. State*, 201 Md. 145, 92 A.2d 747 (1952); *Dean v. State*, 205 Md. 274, 107 A.2d 88 (1954).

Judge issuing search warrant was held to have expressed the judge's opinion that the facts stated in written information signed by the officer seeking the warrant were sufficient to justify the issuance of the warrant, and a fortiori, if established on trial, was sufficient to convict. In this respect the issuing judge complied with the provisions of this section. *Foreman v. State*, 182 Md. 415, 35 A.2d 171 (1943).

Probable cause is to be determined by the judge or justice who issues the warrant, and if a prudent and cautious man would be justified from the facts presented to show its existence in believing that the offense had been or was being committed, the warrant properly may be issued. *Henson v. State*, 236 Md. 518, 204 A.2d 516 (1964), overruled in part on other grounds as stated in *State v. Lee*, 374 Md. 275, 821 A.2d 922 (2003); *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968); *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972).

Probable cause is to be determined by the judge to whom application for the warrant is made. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971).

Probable cause must be determined by the magistrate, based on the facts presented in affidavit. *Brooks v. State*, 13 Md. App. 151, 282 A.2d 516 (1971), cert. denied, 264 Md. 746, 264 Md. 749, 264 Md. 750 (1972).

Probable cause, which is less than certainty or demonstration but more than suspicion or possibility, is to be determined by the judge who issues the warrant, and if a prudent and cautious man would be justified from the facts presented to show its existence in believing that the offense has been or was being committed, the warrant properly may be issued. *Grimm v. State*, 6 Md. App. 321, 251 A.2d 230 (1969), cert. denied, 255 Md. 741 (1969), cert. denied, 397 U.S. 1001, 90 S. Ct. 1150, 25 L. Ed. 2d 412 (1970); *German v. State*, 14 Md. App.

120, 286 A.2d 171 (1972); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

A search warrant may be issued only after a neutral and detached magistrate personally sifts the facts presented by policemen to determine whether probable cause exists for the issuance of that warrant. *Brooks v. State*, 13 Md. App. 151, 282 A.2d 516 (1971), cert. denied, 264 Md. 746, 264 Md. 749, 264 Md. 750 (1972).

In making the determination of probable cause, the judicial, hypothetical, "cautious and prudent man" may give consideration to the special significance which objects, happenings and individuals may have conveyed to the trained, experienced and knowledgeable police officers who apply for the warrant. *Henson v. State*, 236 Md. 518, 204 A.2d 516 (1964), overruled in part on other grounds as stated in *State v. Lee*, 374 Md. 275, 821 A.2d 922 (2003); *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968).

The trial judge must consider both the application and the affidavit when considering whether there was probable cause to issue the warrant. *Couser v. State*, 36 Md. App. 485, 374 A.2d 399 (1977), aff'd, 282 Md. 125, 383 A.2d 389, cert. denied, 439 U.S. 852, 99 S. Ct. 158, 58 L. Ed. 2d 156 (1978).

Court may, however, consider the experience of police officers. — In determining the existence of probable cause for issuance of a search warrant, the court may take into consideration the experience and special knowledge of police officers who are applicants for the warrant. *Wood v. State*, 185 Md. 280, 44 A.2d 859 (1945); *Bratburd v. State*, 193 Md. 352, 66 A.2d 792 (1949); *Fleming v. State*, 201 Md. 145, 92 A.2d 747 (1952); *Dean v. State*, 205 Md. 274, 107 A.2d 88 (1954); *Shrout v. State*, 238 Md. 170, 208 A.2d 585 (1965); *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

The judge passing upon the application may give consideration to the experience and special knowledge of the police officers who may apply for the warrant. *Gatewood v. State*, 244 Md. 609, 224 A.2d 677 (1966).

In determining whether probable cause exists, consideration may be given to the special significance which objects, happenings and individuals may have conveyed to the trained, experienced, and knowledgeable police officers who apply for the warrant. *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968), cert. denied, 252 Md. 732, 252 Md. 733 (1969).

In determining the existence vel non of probable cause, the judge may give consideration to the special significance which objects, happenings, and individuals may have conveyed to a trained, experienced and knowledgeable police officer making the affidavit accompanying the warrant. *Buckner v. State*, 11 Md. App. 55, 272

A.2d 828, cert. denied, 261 Md. 723 (1971); *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

A policeman's knowledge of a suspect's reputation, something that policemen frequently know, is a practical consideration of everyday life upon which an officer, or a magistrate, may properly rely in assessing the reliability of an informant's tip. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

Court may make use of matters within field of judicial notice. — A judge may make use of matters within the field of judicial notice and of reasonable inferences in determining whether the statements contained in a written application for a search warrant are sufficient to make it appear that there is probable cause to believe that an offense is being committed within the judge's territorial jurisdiction. *Dean v. State*, 205 Md. 274, 107 A.2d 88 (1954).

Such as the location of certain streets. — Where the application for a search warrant referred to several streets but did not state that they were in Baltimore City, the judge who acted on the application may take judicial notice of the fact that there are streets in Baltimore City bearing the names stated in the application. *Dean v. State*, 205 Md. 274, 107 A.2d 88 (1954).

Facts need not be within personal knowledge of applicant. — The facts set forth as the basis for the issuance of the warrant need not be within the personal knowledge of the applicant, but may be verified by applicant's oath based on information and belief, if the facts and sources of the information upon which the belief is based are stated. *Dean v. State*, 205 Md. 274, 107 A.2d 88 (1954); *Burrell v. State*, 207 Md. 278, 113 A.2d 884 (1955).

The affidavit may be based on hearsay information, even from an unidentified informant, and need not reflect the direct personal observations of the affiant, but it must contain some of the underlying circumstances from which the affiant could be reasonably justified in a belief that the hearsay information was reliable or the informant was credible. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971); *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

The principles enunciated in *Aguilar v. Texas*, 378 U.S. 108, 84 S. Ct. 1509, 12 L. Ed. 2d 723 (1964), respecting the sufficiency of hearsay information have been referred to as "the two-pronged test." That is to say, where the basis for the warrant consists of hearsay information

from an undisclosed informant, the magistrate must be informed of (1) some of the underlying circumstances from which the undisclosed informant concluded that the narcotics were as claimed, and (2) some of the underlying circumstances from which the officer concluded that the informant was "credible" or the information "reliable." *German v. State*, 14 Md. App. 120, 286 A.2d 171 (1972).

The combination of a recitation as to an informant's demonstrated reliability in the past and an independent, police verification of some of informant's story was sufficient to supply the magistrate with a "substantial basis" for crediting hearsay information, and to set out sufficient probable cause to justify the issuance of a search and seizure warrant. *Dawson v. State*, 14 Md. App. 18, 284 A.2d 861 (1971).

That a search warrant may properly issue based on hearsay information not reflecting the direct personal observations of the affiant is well settled, so long as the magistrate is informed of some of the underlying circumstances from which the affiant could reasonably conclude that the hearsay information was reliable and that the items sought to be seized were within the place to be searched. *Iannone v. State*, 10 Md. App. 81, 267 A.2d 812, cert. denied, 259 Md. 732 (1970) 402 U.S. 972, 91 S. Ct. 1658, 29 L. Ed. 2d 138 402 U.S. 973, 91 S. Ct. 1663, 29 L. Ed. 2d 138 (1971); *German v. State*, 14 Md. App. 120, 286 A.2d 171 (1972).

The evidence itself need not be legally competent in a criminal trial, and may in fact be hearsay, so long as the judicial officer issuing the warrant is informed of some underlying circumstances supporting the affiant's conclusions and affiant's belief that any informant involved was credible or the information reliable, and such judicial officer is entitled to draw reasonable inferences from the facts contained in the affidavit based on the officer's experience in such matters. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

A search warrant was not invalid because the facts set forth in the warrant as the grounds for its issuance appeared from the warrant not to be facts within the personal knowledge of the applicant, but facts verified by applicant's oath on information and belief, where these facts, together with the responsible official source from which the facts were derived, were set forth in the warrant as the basis of the belief of the affiant. This is all that is necessary, if such facts are sufficient to constitute probable cause. *Allen v. State*, 178 Md. 269, 13 A.2d 352 (1940).

Proper showing to support issuance of warrant. — As the search warrant is issued for the basic purpose of making a search, the probable cause necessary to support its issuance requires a proper showing not only that a crime has been or is being committed, but also that the evidence of the crime is upon the

person or within the place or thing to be searched. *Salmon v. State*, 2 Md. App. 513, 235 A.2d 758 (1967); *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968); *Haley v. State*, 7 Md. App. 18, 253 A.2d 424 (1969).

A judge may issue a search warrant when it is made to appear by a written application signed and sworn to by the applicant, accompanied by an affidavit containing facts within the personal knowledge of the affiant, that there is probable cause to believe that a crime is being committed by any individual or in a building within the judge's territorial jurisdiction, and that evidence of the crime is upon the person or within the place to be searched. *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

Probable cause may be shown in the affidavit by a statement by the affiant (1) of direct observations, or (2) of information furnished the affiant by someone else, named or unnamed, or (3) of a combination of the direct observations of the affiant and hearsay information furnished. In each instance the issuing judge must have enough circumstances to enable a determination of the trustworthiness of the information, for the judge must not only evaluate the adequacy to show probable cause of the facts and circumstances set out in the affidavit, but also evaluate the truthfulness of the source of the information comprising those facts and circumstances. *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

Resolution of doubtful or marginal cases. — Although in a particular case it may not be easy to determine when an affidavit demonstrates the existence of probable cause, the resolution of doubtful or marginal cases in this area should be largely determined by the preference to be accorded to warrants. *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968); *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972); *Mills v. State*, 278 Md. 262, 363 A.2d 491 (1976).

The resolution of doubtful or marginal cases should be largely determined by the preference to be accorded to warrants. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971); *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972).

In a doubtful or marginal case a search under a warrant may be sustainable, where without one it would fail. *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Tucker v. State*, 244 Md. 488, 224 A.2d 111 (1966), cert. denied, 386

U.S. 1024, 87 S. Ct. 1381, 18 L. Ed. 2d 463 (1967); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968).

Lower standard than for warrantless search or arrest. — Preference for warrants permits less persuasive evidence to justify issuance of a warrant than would justify a warrantless search or warrantless arrest so long as a substantial basis for probable cause before issuing magistrate exists. *Hignut v. State*, 17 Md. App. 399, 303 A.2d 173 (1973).

Knowledge of prior convictions to be considered. — Knowledge of prior convictions of the person observed is one of the elements to be considered in determining whether there is probable cause. *Gatewood v. State*, 244 Md. 609, 224 A.2d 677 (1966).

Although a suspect's criminal record would be inadmissible on the merits of guilt or innocence, no such constraints bind the judge who is considering probable cause. *Shoemaker v. State*, 52 Md. App. 463, 451 A.2d 127 (1982).

Validity of arrest. — Arrest warrant valid on its face establishes prima facie legality of arrest made on its authority. *Collins v. State*, 17 Md. App. 376, 302 A.2d 693 (1973).

In the absence of an affidavit accused may introduce evidence on issue of probable cause and is not limited in cross-examination of witnesses. *Collins v. State*, 17 Md. App. 376, 302 A.2d 693 (1973).

Seizure of heroin held inadmissible in evidence. — Where the formal complaint for arrest warrant charging homicide lacked sufficient probable cause to support the warrant, seizure of heroin found on the accused upon arrest was unreasonable and, having been obtained under an invalid warrant, was inadmissible in evidence. *Collins v. State*, 17 Md. App. 376, 302 A.2d 693 (1973).

Review where search based on magistrate's determination of probable cause. — When a search is based upon a magistrate's, rather than a police officer's, determination of probable cause, the reviewing courts will accept evidence of a less judicially competent or persuasive character than would have justified an officer in acting on the officer's own without a warrant. *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968), cert. denied, 252 Md. 732, 252 Md. 733 (1969).

The determination of probable cause by the issuing judge should be paid great deference by reviewing courts. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

C. Affidavit.

Question whether affidavit showed probable cause is confined to affidavit alone. — Any inquiry as to whether the affida-

vit, on which the search warrant was based, showed probable cause is confined to the affidavit alone and testimony should not be taken to controvert the truth of the allegations therein. *Smith v. State*, 191 Md. 329, 62 A.2d 287 (1948), cert. denied, 336 U.S. 925, 69 S. Ct. 656, 93 L. Ed. 1087 (1949); *Scarborough v. State*, 3 Md. App. 208, 238 A.2d 297 (1968).

When a search warrant is challenged, the lower court, and the appellate court when the determination of the lower court is before it on appeal, must look for probable cause only in the affidavit itself and may not go outside it. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971); *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

In making an analysis as to probable cause, the court must look only to the affidavit itself and may not go outside of it. *Edwards v. State*, 13 Md. App. 546, 284 A.2d 10 (1971), rev'd on other grounds, 266 Md. 515, 295 A.2d 465 (1972).

The presence or absence of probable cause to support a search warrant must be determined solely from the allegations of the application for the warrant. *Grimm v. State*, 6 Md. App. 321, 251 A.2d 230 (1969), cert. denied, 255 Md. 741 (1969), cert. denied, 397 U.S. 1001, 90 S. Ct. 1150, 25 L. Ed. 2d 412 (1970); *German v. State*, 14 Md. App. 120, 286 A.2d 171 (1972).

In Maryland probable cause for issuing a search warrant must appear in affidavit alone, and evidence outside its four corners to show existence of probable cause or to controvert truth of allegations may not be received. *Collins v. State*, 17 Md. App. 376, 302 A.2d 693 (1973).

An analysis for probable cause for issuing a search warrant is confined to four corners of affidavit itself. *Hignut v. State*, 17 Md. App. 399, 303 A.2d 173 (1973).

The better rule seems to be that the court's consideration of the showing of probable cause should be confined solely to the affidavit itself, and the truth of the alleged grounds stated in the affidavit cannot be controverted by receiving the testimony of the accused and other witnesses. *Smith v. State*, 191 Md. 329, 62 A.2d 287 (1948), cert. denied, 336 U.S. 925, 69 S. Ct. 656, 93 L. Ed. 1087 (1949); *Tucker v. State*, 244 Md. 488, 224 A.2d 111 (1966), cert. denied, 386 U.S. 1024, 87 S. Ct. 1381, 18 L. Ed. 2d 463 (1967); *Scarborough v. State*, 3 Md. App. 208, 238 A.2d 297 (1968).

If the affidavit that forms the basis for the issuance of a search warrant is sufficient on its face, any question as to whether the affidavit showed probable cause is confined to the affidavit itself, and on a motion to quash the search warrant on the ground of lack of probable

cause, no testimony can be received to contradict the truth of the allegations in the affidavit. *Tischler v. State*, 206 Md. 386, 111 A.2d 655 (1955); *Burrell v. State*, 207 Md. 278, 113 A.2d 884 (1955).

Even though the affidavit contains insufficient or even improper information which should not be considered by the court, if, in addition, it contains sufficient proper information to show probable cause, the court is justified in issuing the warrant. *Tucker v. State*, 244 Md. 488, 224 A.2d 111 (1966), cert. denied, 386 U.S. 1024, 87 S. Ct. 1381, 18 L. Ed. 2d 463 (1967).

The finding of presence or absence of probable cause is to be made from the allegations of the application for the warrant. *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966).

The court's determination of the existence of probable cause must be confined solely to the affidavit itself, and evidence outside the affidavit, no matter by whom produced or how, is not relevant to the inquiry of probable cause. *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968).

When the question of probable cause for the issuance of the warrant comes before the trial court, its consideration of whether or not there was probable cause should be confined solely to the affidavit itself. *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968).

The presence or absence of probable cause to support the search warrant must be determined solely from the allegations of the application for the warrant, together with its accompanying affidavits. *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968), cert. denied, 252 Md. 732 (1969).

Deficiencies. — Deficiencies of a search warrant cannot be supplied by the evidence. *Foreman v. State*, 182 Md. 415, 35 A.2d 171 (1943); *Wood v. State*, 185 Md. 280, 44 A.2d 859 (1945).

If the affidavit presented to the judge or magistrate does not show "probable cause" for the issuance of the warrant, then a prosecution based on the warrant and the facts unearthed in its execution cannot supply the deficiencies antecedent to the warrant, and the prosecution fails before it is begun. *Goodman v. State*, 178 Md. 1, 11 A.2d 635 (1940); *Hubin v. State*, 180 Md. 279, 23 A.2d 706, cert. denied, 316 U.S. 680, 62 S. Ct. 1107, 86 L. Ed. 1753 (1942).

Where a warrant and its application did not provide enough inherent contradiction from which to have concluded with certainty that the date was, in fact, simply a typographical error, an appellate court erred by reversing the trial court's order of suppression since probable cause was stale. The appellate court's conclusion that testimony from the preparing officer was admissible to explain the error was also in error as such testimony violated the four cor-

ners rule. *Greenstreet v. State*, 392 Md. 652, 898 A.2d 961 (2006).

The affiant need not be the primary source of the damning information. *Shoemaker v. State*, 52 Md. App. 463, 451 A.2d 127 (1982).

Affidavit can supply "missing gaps" in application. — As the affidavit can supply the "missing gap" in a warrant, it can also supply the "missing gaps" in the application for the warrant. *Couser v. State*, 36 Md. App. 485, 374 A.2d 399 (1977), *aff'd*, 282 Md. 125, 383 A.2d 389, *cert. denied*, 439 U.S. 852, 99 S. Ct. 158, 58 L. Ed. 2d 156 (1978).

Language of affidavit as indicative of present violation. — The very language of an affidavit, while not specifying in so many words an exact date or time, when taken as a whole may be indicative of a present violation. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972); *Connelly v. State*, 322 Md. 719, 589 A.2d 958 (1991).

Examining and weighing the affidavit as a whole, from the use of the words "this same information is given by other sources," one could infer that that same information was given at that very time or so close in time as to justify the use of the present tense. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

Staleness determination. — Probable cause was not "stale" in testing an affidavit where it existed at a time not so remote from the date of the affidavit as to render it improbable that the alleged violation of the law authorizing the search was extant at the time the application for the search warrant was made. *Peterson v. State*, 281 Md. 309, 379 A.2d 164 (1977), *cert. denied*, 435 U.S. 945, 98 S. Ct. 1528, 55 L. Ed. 2d 542 (1978); *Davidson v. State*, 54 Md. App. 323, 458 A.2d 875 (1983).

There is no "bright-line" rule for determining the "staleness" of probable cause; rather, it depends upon the circumstances of each case, as related in the affidavit for the warrant. *Connelly v. State*, 322 Md. 719, 589 A.2d 958 (1991).

Time element not only factor in staleness determination. — In testing for staleness the time element, while a factor to consider, is not the only factor. *Davidson v. State*, 54 Md. App. 323, 458 A.2d 875 (1983).

Reason as ultimate criterion. — Ultimate criterion in determining degree of evaporation of probable cause is reason, rather than case law. The likelihood that the evidence sought is still in place is a function not simply of watch and calendar but of variables that do not punch a clock: The character of the crime, of the criminal, of the thing to be seized, of the place to be searched, etc. *Shoemaker v. State*, 52 Md. App. 463, 451 A.2d 127 (1982).

Far more than the mere passage of time is involved in the assessment of how stale or fresh

probable cause may be. *Shoemaker v. State*, 52 Md. App. 463, 451 A.2d 127 (1982).

Common sense demands that the court also consider such factors as the nature of the crime under investigation, the duration of the investigation, the type of evidence which is sought and the location of the search in determining whether probable cause has evaporated. *Davidson v. State*, 54 Md. App. 323, 458 A.2d 875 (1983).

Facts sufficient to show continuation of existence of probable cause. — Because the business of dealing in illegal drugs is ordinarily a regenerating activity carried on over a period of time, probable cause for the search and seizure of controlled dangerous substances was deemed to continue to exist on the date of the execution of the warrant where there was a potential time lapse of 19 days between the date of the controlled buy and the issuance and execution of the warrant. *Davidson v. State*, 54 Md. App. 323, 458 A.2d 875 (1983).

Error in affidavit concerning date of observation. — When an error appears in the affidavit concerning the date of the observation, such error will not vitiate an affidavit. *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, *cert. denied*, 266 Md. 738, *cert. denied*, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972).

Conclusory affidavits. — Probable cause cannot be made out by affidavits which are purely conclusory, stating only the affiant's or an informer's belief that probable cause exists without detailing any of the underlying circumstances upon which that belief is based. *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968); *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

Probable cause cannot be made out by affidavits which are purely conclusory, stating only the affiant's or an informer's belief that probable cause exists. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, *cert. denied*, 261 Md. 723 (1971).

Conclusory statements, without underlying facts by affiant that probable cause exists, are not adequate to support the issuance of a search warrant. *Brooks v. State*, 13 Md. App. 151, 282 A.2d 516 (1971), *cert. denied*, 264 Md. 746, 264 Md. 749, 264 Md. 750 (1972).

Probable cause cannot be made out by affidavits which are purely conclusory, or which fail to show any of the underlying circumstances from which it was concluded that probable cause existed to believe, *inter alia*, that a crime was being committed on the premises to be searched, or that the fruits or evidence of such crime were located upon such premises. *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968), *cert. denied*, 252 Md. 732, 252 Md. 733 (1969).

Less rigorous standards. — Affidavits of probable cause are tested by much less rigorous

standards than those governing the admissibility of evidence at trial. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

Underlying circumstances to be recited.

— Recital of some of the underlying circumstances in the affidavit is essential if the magistrate is to perform the detached function and not serve merely as a rubber stamp for the police. *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968).

The issuing magistrate must have the relevant facts which the affiant alleges as the basis of probable cause; otherwise, the magistrate would be obliged to accept the affiant's conclusions and thus would serve merely as a rubber stamp for the police. *Brooks v. State*, 13 Md. App. 151, 282 A.2d 516 (1971), cert. denied, 264 Md. 746, 264 Md. 749, 264 Md. 750 (1972).

Affidavit not to be interpreted in hypertechnical matter. — Where the circumstances are detailed, where reason for crediting the source of the information is given, and when a magistrate has found probable cause, the courts should not invalidate the warrant by interpreting the affidavit in a hypertechnical rather than a common-sense manner. *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968); *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

The affidavit should be interpreted in a common-sense and not in a hypertechnical manner. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971); *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

Where there is a recital in the application of detailed observations and underlying circumstances, the application is to be interpreted, not hypertechnically, but in a common-sense manner. *Gatewood v. State*, 244 Md. 609, 224 A.2d 677 (1966).

Issuing judges are not to be confined to narrowly limitations or by restrictions on the use of their common sense in judging probable cause. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971); *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

Officer's expertise. — Detective's statement of expertise regarding drug transactions was before the issuing judge as part of a search warrant application, even though they were not contained within the document labeled "affidavit," as it was clear that the issuing judge reviewed and considered them as part of the warrant application. Therefore, those state-

ment were relevant to the issue of whether there was probable cause to search the location described in the warrant application. *State v. Faulkner*, 190 Md. App. 37, 985 A.2d 627 (2010).

Information in affidavit coming in report of crime by victims. — Coming in a report of a crime by the victims, the information in the affidavit may on that basis be considered "reliable," as an alternative to a showing of the inherent "credibility" of the source. *Davis v. State*, 32 Md. App. 318, 360 A.2d 467, cert. denied, 278 Md. 720 (1976).

Effect of illegally obtained evidence. — Inclusion of illegally obtained evidence does not vitiate a search warrant which is otherwise validly issued upon probable cause reflected in the affidavit and based on proper sources. *Mills v. State*, 278 Md. 262, 363 A.2d 491 (1976).

Affidavit established probable cause. — Search warrant affidavit stated that defendant would travel from the store to drug transactions, back to the store, and then to an apartment. As the judge issuing the search warrant reasonably could have inferred from these observations that drugs and other evidence of drug violations were likely to be found at the apartment, there was probable cause to issue a warrant to search that location. *State v. Faulkner*, 190 Md. App. 37, 985 A.2d 627 (2010).

Motion court erred in deciding de novo that there had not been probable cause to issue a search warrant; as there had been a substantial basis for the issuing judge's finding of probable cause, the motion court's error was not harmless. *State v. Faulkner*, 190 Md. App. 37, 985 A.2d 627 (2010).

D. Informants.

Reliability of citizen-informers. — That a different rationale must exist for establishing the reliability of citizen-informers than for establishing that of the more suspect and anonymous police informer is widely recognized. *Andresen v. State*, 24 Md. App. 128, 331 A.2d 78, cert. denied, 535 U.S. 940, 122 S. Ct. 1324, 152 L. Ed. 2d 231 (2002), cert. denied, 274 Md. 725 (1975), aff'd, 427 U.S. 463, 96 S. Ct. 2737, 49 L. Ed. 2d 627 (1976).

Credibility of informant. — An affidavit which related that the informant had given information and actively participated in investigations resulting in over five narcotic arrests and seizures within the preceding six months was adequate for the issuing magistrate to conclude that the informant was credible. *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972).

An undisclosed informant's reliability is not established by the affiant's mere unsupported and unparticularized conclusory assertion that

affiant has "furnished information which has proven to be reliable in the past." *Iannone v. State*, 10 Md. App. 81, 267 A.2d 812, cert. denied, 259 Md. 732 (1970) 402 U.S. 972, 91 S. Ct. 1658, 29 L. Ed. 2d 136 402 U.S. 973, 91 S. Ct. 1663, 29 L. Ed. 2d 138 (1971); *German v. State*, 14 Md. App. 120, 286 A.2d 171 (1972).

Where the information provided by the informer's tip is corroborated by independent police work undertaken by the affiant, the details of which are recited in the warrant application, the informer's tip, together with the other allegations in the warrant, may be collectively considered in determining whether probable cause existed for the issuance of the warrant. *Iannone v. State*, 10 Md. App. 81, 267 A.2d 812, cert. denied, 259 Md. 732 (1970) 402 U.S. 972, 91 S. Ct. 1658, 29 L. Ed. 2d 136 402 U.S. 973, 91 S. Ct. 1663, 29 L. Ed. 2d 138 (1971); *German v. State*, 14 Md. App. 120, 286 A.2d 171 (1972).

A basis for evaluating the credibility of an informant whose observations in detail were recited was supplied, including, on the subject of the empty glassine bags, "measuring spoons and a quantity of white powder," the fact that informant was an addict, "familiar with the gelatin caps and envelopes used in the narcotic operations," and the fact that no basis was supplied for evaluating the same information which was given by other sources does not detract from the credibility of the first source nor alter the statement as to the time of receipt of information from the "other sources." *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

Where police affiants recited in warrant application that informant was searched and found "clean" before entering suspected premises and came out "dirty" and brought hashish directly to one of police affiants awaiting informant's return, said informant's "controlled buy" alone established probable cause to search suspected premises and verified from scratch such informant's otherwise unestablished "credibility." *Hignut v. State*, 17 Md. App. 399, 303 A.2d 173 (1973).

Observations by informant. — Observations by an informant who could have been considered credible by the issuing magistrate constituted probable cause to believe that narcotic laws were being violated. *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972).

Informant's reliability unsupported. — General statement received from an unnamed informant, who is only alleged to be "considered reliable," without any reason given as to the basis for that conclusion, would not be probable cause for the issuance of the warrant. *Gatewood v. State*, 244 Md. 609, 224 A.2d 677 (1966).

Oath establishes, per se, credibility of affiant-source. — As to the direct observations of an affiant, the oath, as a trustworthiness device, establishes, per se, the credibility of the affiant-source, and thereby, the reliability of directly observed information. *Hudson v. State*, 16 Md. App. 49, 294 A.2d 109, cert. denied, 266 Md. 737 (1972).

Failure of application to contain dates on which informants made observations.

— There was no basis to sustain a claim that a trial court erred in admission of certain seized evidence because the application for the search warrant did not contain the dates on which confidential informants made their observations, since the affidavit in support of the warrant itself set forth specific dates of the affiant's independent observations which verified the information supplied by the informants. *Nickens v. State*, 17 Md. App. 284, 301 A.2d 49 (1973).

III. FORM AND CONTENTS OF WARRANT.

"General warrant." — A general warrant, broadly defined, is one which fails to sufficiently specify the place or person to be searched or the things to be seized. *Frey v. State*, 3 Md. App. 38, 237 A.2d 774 (1968), cert. denied, 250 Md. 731, 250 Md. 732 (1968); *Kane v. State*, 12 Md. App. 466, 280 A.2d 9 (1971).

A general warrant is one which fails to sufficiently specify place or person to be searched or things to be seized and is illegal since, in effect, it authorizes a random or blanket search in discretion of police in violation of Fourth Amendment to federal Constitution, article 26 of Maryland Declaration of Rights and this section, all of which require that search warrants particularly describe place to be searched and things to be seized, so as to prevent search of one place, or seizure of one thing, under a warrant authorizing search of another place, or seizure of another thing. *Harris v. State*, 17 Md. App. 484, 302 A.2d 655 (1973).

General warrant. — A general warrant is illegal since, in effect, it authorizes a random or blanket search in the discretion of the police in violation of the Fourth Amendment to the federal Constitution, article 26 of the Maryland Declaration of Rights, and this section, all of which require that search warrants particularly describe the place to be searched and the things to be seized, so as to prevent the search of one place, or the seizure of one thing, under a warrant authorizing search of another place, or the seizure of another thing. *Frey v. State*, 3 Md. App. 38, 237 A.2d 774 (1968); *Kane v. State*, 12 Md. App. 466, 280 A.2d 9 (1971).

Warrant held not "general warrant." — Search warrant authorizing search of two separate apartments and an automobile not illegal

as “general warrant.” *Bland v. State*, 197 Md. 546, 80 A.2d 43 (1951).

Search warrant to search both filling station and automobile was not a general warrant. *Asner v. State*, 193 Md. 68, 65 A.2d 881 (1949).

A warrant directing an officer to enter certain premises and search the person, clothing and pockets of a person described in the warrant, authorized an officer to follow the person outside the premises and search the person and was not a general warrant. *Saum v. State*, 200 Md. 85, 88 A.2d 562 (1952).

General provisions to arrest and search not only named or described individuals, but also others who are found to be participating in the unlawful activities named in the search warrant, do not make the warrant objectionable as a general one. *Griffin v. State*, 232 Md. 389, 194 A.2d 80 (1963).

Where the affidavit, containing specific descriptions of the persons, premises and vehicle to be searched, was specifically incorporated by reference and became part of the application, the issuing judge was sufficiently informed by the applicant that the warrant was to include the premises in question, and thus the warrant was not a “general warrant.” *Couser v. State*, 36 Md. App. 485, 374 A.2d 399 (1977), *aff’d*, 282 Md. 125, 383 A.2d 389, cert. denied, 439 U.S. 852, 99 S. Ct. 158, 58 L. Ed. 2d 156 (1978).

Where the warrant directed the police to search for and to seize “certain books, ledgers, monies, checks, personal and business directories, applications, membership rosters and other business records which are evidence pertaining to the operation of an illegal prostitution operation” and described with particularity the place to be searched, the warrant was not a general warrant. *Shoemaker v. State*, 52 Md. App. 463, 451 A.2d 127 (1982).

Warrants in aid of health, fire and building inspections. — How far, if at all, search warrants may be issued under this section in aid of health, fire and building inspections was commented upon but not decided in *Givner v. Cohen*, 208 Md. 23, 116 A.2d 357 (1955).

Warrant to disclose underlying circumstances. — A search warrant must disclose underlying circumstances upon which the informer believed that a crime had been committed and the underlying circumstances in which the officer had a reason to believe that the information was reliable. *Colopietro v. State*, 5 Md. App. 312, 246 A.2d 773 (1968).

Salvage of warrants. — A warrant which is inadequate in one regard is salvageable in another. *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972).

How warrants tested and interpreted. — Search warrants must be tested and interpreted by magistrates and courts in a common-

sense and realistic fashion. *Henderson v. State*, 243 Md. 342, 221 A.2d 76 (1966); *Tucker v. State*, 244 Md. 488, 224 A.2d 111 (1966), cert. denied, 386 U.S. 1024, 87 S. Ct. 1381, 18 L. Ed. 2d 463 (1967); *Scott v. State*, 4 Md. App. 482, 243 A.2d 609 (1968); *Hall v. State*, 5 Md. App. 394, 247 A.2d 548 (1968); *Mills v. State*, 278 Md. 262, 363 A.2d 491 (1976).

The Fourth Amendment’s commands, like all constitutional requirements, are practical and not abstract. Affidavits for search warrants must be tested and interpreted by magistrates and courts in a common-sense and realistic fashion. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

Technical requirements of elaborate specificity once exacted under common law pleadings have no proper place in this area. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972); *Mills v. State*, 278 Md. 262, 363 A.2d 491 (1976).

A grudging or negative attitude by reviewing courts toward warrants will tend to discourage police officers from submitting their evidence to a judicial officer before acting. *State v. Edwards*, 266 Md. 515, 295 A.2d 465 (1972).

Affidavits for search warrants must be tested and interpreted by magistrates and courts in a common-sense and realistic fashion; elaborate specificity is no longer required. *Hignut v. State*, 17 Md. App. 399, 303 A.2d 173 (1973).

Failure to date. — The failure to date a search warrant is an immaterial clerical error which does not invalidate the warrant. *Bell v. State*, 200 Md. 223, 88 A.2d 567 (1952).

Determinations as to whether the search warrant was validly executed by a judge, and whether a date for its issuance is ascertainable, was determinative of whether defendant’s convictions could remain in force, or whether defendant would be entitled to a new trial. *Thompson v. State*, 139 Md. App. 501, 776 A.2d 99 (2001).

Identity of accuser. — The portion of this section requiring that the warrant state the name of the applicant on whose affidavit it was issued is designed to inform the accused as to the identity of the accuser, and the failure of the warrant to contain the information is a fatal defect. *Howard v. State*, 199 Md. 529, 87 A.2d 161 (1952).

If the accused asserts any substantial ground indicating that the identity of the informer is material to accused’s defense or the fair determination of the issue of probable cause, the trial court should require the informer’s name to be given or order the evidence suppressed. *Shrout v. State*, 238 Md. 170, 208 A.2d 585 (1965).

Description of person. — The language of this section that the warrant shall “name or describe” the individual to be searched is not equivalent to “name, or if the name be un-

known, describe"; and a warrant which describes, but does not name, the individual to be searched will not be held invalid, if the affiant who secured the warrant knew the individual's name. *Wilson v. State*, 200 Md. 187, 88 A.2d 564 (1952).

Whether a warrant commanding the search of an individual is valid depends essentially upon whether or not it describes the individual to be searched with such particularity that the individual may be identified with reasonable certainty. If it does, it may be executed within the limits of the jurisdiction in which it was issued. *Dow v. State*, 207 Md. 80, 113 A.2d 423 (1955).

A search warrant describing "a white man about 40 years of age about 5 feet 6 in. tall, weighing about 175 lbs., who will be identified by Patrolman Edwin Taylor," was held sufficient, and the facts showed probable cause. *Giordano v. State*, 203 Md. 174, 100 A.2d 31 (1953).

Identity of what is to be searched. — What is decisive in every case involving the validity of a search warrant is the identity of that which is to be searched. If it is a building, it must, of course, be described with such particularity that it can be identified as to location and extent. If it is an automobile or an individual, the means and certainty of identification are the tests. *Dow v. State*, 207 Md. 80, 113 A.2d 423 (1955).

Lacking a description of the premises to be searched which will enable the officer with the warrant to locate the place with certainty, a search warrant is general and therefore illegal, and can yield no legal fruits. *Giles v. State*, 10 Md. App. 593, 271 A.2d 766 (1970).

There is no formula which can be used to measure the particularity with which premises must be described and the adequacy of the description in every case will depend on the facts and circumstances there present. *Tucker v. State*, 244 Md. 488, 224 A.2d 111 (1966), cert. denied, 386 U.S. 1024, 87 S. Ct. 1381, 18 L. Ed. 2d 463 (1967); *Frey v. State*, 3 Md. App. 38, 237 A.2d 774 (1968); *Harris v. State*, 17 Md. App. 484, 302 A.2d 655 (1973).

A description of a place to be searched is ordinarily sufficient if the officer with the warrant can, with reasonable effort, ascertain and identify the place intended. *Frey v. State*, 3 Md. App. 38, 237 A.2d 774 (1968), cert. denied, 250 Md. 731, 250 Md. 732 (1968).

A description of place to be searched is ordinarily sufficient if officer with warrant can with reasonable effort ascertain and identify place intended; it is permissible to look to affidavit and warrant to make such determination. *Harris v. State*, 17 Md. App. 484, 302 A.2d 655 (1973).

In determining whether the description of the place to be searched meets the standards of

particularity, it is permissible to look to the affidavit as well as the warrant since the affidavit is a part of the warrant and incorporated by reference therein. *Frey v. State*, 3 Md. App. 38, 237 A.2d 774 (1968), cert. denied, 250 Md. 731, 250 Md. 732 (1968); *Green v. State*, 38 Md. App. 63, 379 A.2d 428 (1977), cert. denied, 282 Md. 732 (1978).

No formula may be stated with reference to the test of what premises may be searched, and how the premises must be described. *Allen v. State*, 178 Md. 269, 13 A.2d 352 (1940).

The warrant was not vulnerable because it failed to specify the place where it had to be executed. It directed the search of persons, not places; hence, since the defendant was properly described therein, the warrant could be validly executed anywhere within the limits of Baltimore City, without an express provision therein limiting its execution to the City of Baltimore. *Griffin v. State*, 232 Md. 389, 194 A.2d 80 (1963).

A description in a search warrant of the place to be searched is sufficient if it enables the officer with the warrant to locate the place with certainty. *Ferguson v. State*, 236 Md. 148, 202 A.2d 758 (1964); *Green v. State*, 38 Md. App. 63, 379 A.2d 428 (1977), cert. denied, 282 Md. 732 (1978).

Ordinarily the description in a warrant of a house to be searched is sufficiently definite if it correctly states the street number of the house. *Ferguson v. State*, 236 Md. 148, 202 A.2d 758 (1964); *Green v. State*, 38 Md. App. 63, 379 A.2d 428 (1977), cert. denied, 282 Md. 732 (1978).

Description of rural property may be sufficient without same degree of particularity as property located in city. *Harris v. State*, 17 Md. App. 484, 302 A.2d 655 (1973).

A search warrant authorizing a search of "the premises known as 1301 E. Baltimore Street" authorized a search of the adjoining buildings constituting one business establishment operated as the Central Battery Service, and the search was proper. *Ferguson v. State*, 236 Md. 148, 202 A.2d 758 (1964).

An error in description or location of property set out in warrant is not automatically fatal to its validity. *Harris v. State*, 17 Md. App. 484, 302 A.2d 655 (1973); *Green v. State*, 38 Md. App. 63, 379 A.2d 428 (1977), cert. denied, 282 Md. 732 (1978).

Where only error in describing property to be searched was that it was situated on left side of dirt road rather than its actual location on right side, and of four structures in area designated the dwelling house of accused and object of search was only building matching premises described in warrant and supporting application and was in a rural area having no street address to identify it, and where arresting officers were able to proceed directly to described house without stopping to inquire as to

its location, such error as to precise side of road house was situated was not fatal to warrant. *Harris v. State*, 17 Md. App. 484, 302 A.2d 655 (1973).

Where the warrant commanded search of the premises at a specified address and these premises were a single-family dwelling, not divided into apartments or subunits, the police had the right to search the entire premises, and the fact that various people in the family lived in various rooms of the house did not prohibit the police from searching those rooms under the warrant. *Buckner v. State*, 11 Md. App. 55, 272 A.2d 828, cert. denied, 261 Md. 723 (1971).

Where there was no showing that the affiant to the warrant had any knowledge, actual or constructive that the dwelling was other than a single family dwelling, and that neither affiant nor other police officials were shown to possess any information such as would reasonably indicate that the property was a multiple unit building, but where upon execution of the warrant it developed that the premises had a first floor tenant, a third floor tenant, and a second floor rear bedroom which was rented to the accused and that the police were directed immediately upon entry to the accused's room, which was the only one searched and from which contraband was seized, the warrant described the premises with sufficient particularity and was not invalid as a general warrant. *Butler v. State*, 19 Md. App. 601, 313 A.2d 554, cert. denied, 271 Md. 732 (1974).

It is not an unreasonable violation of this section that the premises searched were actually located at the first floor apartment at 1519 Presser Court, but the search warrant particularly described the premises to be searched as the "1519 Presser Court second floor apartment." *Green v. State*, 38 Md. App. 63, 379 A.2d 428 (1977), cert. denied, 282 Md. 732 (1978).

Description of things to be seized. — This section does not require by express terms particularity of description of the things to be seized, as it does of the individual, building, apartment, premise, place or things to be searched. *Hughes v. State*, 14 Md. App. 497, 287 A.2d 299, cert. denied, 409 U.S. 1025, 93 S. Ct. 469, 34 L. Ed. 2d 317 (1972).

The items which the police may reasonably seize under a constitutionally valid warrant and search are not confined to those specifically designated in the warrant if a nexus exists between the item seized and criminal behavior. Such nexus is automatically provided in the case of fruits and instrumentalities of crime and contraband, but may exist also as to mere evidence. *Hughes v. State*, 14 Md. App. 497, 287 A.2d 299, cert. denied, 409 U.S. 1025, 93 S. Ct. 469, 34 L. Ed. 2d 317 (1972).

Remoteness of facts observed from date of issuance of warrant. — There is no statute in this State providing that the facts in the

application, set forth to establish probable cause, must result from observations made within a designated time before the issuance of the warrant. However, the remoteness of the facts observed from the date of the issuance of the warrant is an element to be considered in each instance by the issuing authority in determining whether it appears that there was probable cause. *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972).

Issuance of "no-knock" warrant not permitted. — A judicial officer in Maryland cannot issue a "no-knock" warrant. Rather, the propriety of a "no-knock" entry will be reviewed and determined on the basis of the facts known to the officers at the time of entry, rather than at the time of the application for the warrant. *Davis v. State*, 383 Md. 394, 859 A.2d 1112 (2004).

The lapse of 26 days between the observation of facts and the issuance of a warrant, was not so remote, when considered in the circumstances of the case, so as to invalidate the search warrant. *Johnson v. State*, 14 Md. App. 721, 288 A.2d 622, cert. denied, 266 Md. 738, cert. denied, 409 U.S. 1039, 93 S. Ct. 517, 34 L. Ed. 2d 487 (1972).

Nonessential or invalid parts treated as surplusage. — If a warrant is essentially valid, or is valid as to one command and not so as to another, the parts not essential or invalid may be treated as surplusage. *Dow v. State*, 207 Md. 80, 113 A.2d 423 (1955).

Even though the affidavit contains insufficient or even improper information which should not be considered by the court, if, in addition, it contains sufficient proper information to show probable cause, the court is justified in issuing the warrant. *Shrout v. State*, 238 Md. 170, 208 A.2d 585 (1965).

A search warrant which refers to the wrong statute is not invalid, the crime being accurately described in the words of the statute. *Carpenter v. State*, 200 Md. 31, 88 A.2d 180 (1952); *Saum v. State*, 200 Md. 85, 88 A.2d 562 (1952); *Wilson v. State*, 200 Md. 187, 88 A.2d 564 (1952).

Search warrant requirements met. — Order authorizing video surveillance was issued in conformity with the requirements necessary to obtain a search warrant; search and seizure of images was conducted in conformity with Fourth Amendment guarantees. *Ricks v. State*, 312 Md. 11, 537 A.2d 612, cert. denied, 488 U.S. 832, 109 S. Ct. 90, 102 L. Ed. 2d 66 (1988).

Warrant held void. — See *State v. Richman*, Daily Record, Sept. 30, 1939 (Crim. Ct. of Baltimore).

TITLE 2.

LAW ENFORCEMENT PROCEDURES; ARREST PROCESS.

*Subtitle 1. Definitions; General Provisions.***§ 2-101. Definitions.**

(a) *In general.* — In this title the following words have the meanings indicated.

(b) *Emergency.* — “Emergency” means a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act.

(c) *Police officer.* — “Police officer” means a person who in an official capacity is authorized by law to make arrests and is:

- (1) a member of the Department of State Police;
- (2) a member of the Police Department of Baltimore City;
- (3) a member of the Baltimore City School Police Force;
- (4) a member of the police department, bureau, or force of a county;
- (5) a member of the police department, bureau, or force of a municipal corporation;
- (6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;
- (7) a member of the University System of Maryland Police Force or Morgan State University Police Force;
- (8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;
- (9) a member of the Maryland Capitol Police of the Department of General Services;
- (10) the sheriff of a county whose usual duties include the making of arrests;
- (11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;
- (12) a member of the Natural Resources Police Force of the Department of Natural Resources;
- (13) an authorized employee of the Field Enforcement Bureau of the Comptroller’s Office;
- (14) a member of the Maryland-National Capital Park and Planning Commission Park Police;
- (15) a member of the Housing Authority of Baltimore City Police Force;
- (16) a member of the Crofton Police Department;
- (17) a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10-204 of the Transportation Article;
- (18) a member of the Intelligence and Investigative Division of the Department;

(19) a member of the State Forest and Park Service Police Force of the Department of Natural Resources;

(20) a member of the Washington Suburban Sanitary Commission Police Force;

(21) a member of the Ocean Pines Police Department;

(22) a member of the police force of the Baltimore City Community College;

(23) a member of the police force of the Hagerstown Community College;

(24) an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department;

(25) a member of the police force of the Anne Arundel Community College;

or

(26) a member of the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article. (An. Code 1957, art. 27, § 594B(g)(1)-(16), (18), (19), (h)(1)(i), (ii), (m)(1)(i), (ii); 2001, ch. 10, § 2; chs. 35, 206, 730; 2002, ch. 388; 2005, ch. 25, §§ 1, 6; ch. 532; 2006, ch. 417; 2009, ch. 389; 2011, ch. 366; 2014, chs. 148, 217; 2015, ch. 302; 2016, ch. 25, § 2; 2019, ch. 25, § 2; ch. 94.)

Effect of amendments. — Section 2, ch. 25, Acts 2016, effective October 1, 2016, enacted pursuant to Article II, § 17(b) of the Maryland Constitution without the Governor’s signature, substituted “University System of Maryland” for “University of Maryland” in (c)(7).

Section 2, ch. 25, Acts 2019, effective July 1, 2019, reenacted (a) without change; added (c)(27) [(c)(26)]; and made a related change.

Chapter 94, Acts 2019, effective July 1, 2019, reenacted (a) without change; deleted (c)(20) and redesignated accordingly.

Editor’s note. — Section 2, Chapter 730, Acts 2001, provides that “the Maryland Department of Transportation shall make changes to vehicles, signs, and all other relevant materials necessary as a result of the name change enacted by this Act within existing resources only and without additional expenditures from the Transportation Trust Fund.”

Section 2, ch. 25, Acts 2019, and ch. 94, Acts 2019, amended (c). Neither chapter referred to the other, and effect has been given to both. The amendments by ch. 25 appear in (c)(24) through (c)(26), following the deletion of (c)(20) by ch. 94.

University of Baltimore Law Review. — For article “The Maryland Sheriff v. Modern and Efficient Administration of Justice,” see 2 U. Balt. L. Rev. 282 (1973).

Federal military police officers. — Because a military police officer is not included within this section’s definition of police officer, § 2-202(a) of this title does not give a military police officer authority to make a warrantless arrest of a person who commits or attempts to commit a felony or misdemeanor in the presence or within the view of the military police officer. *United States v. Atwell*, 470 F. Supp. 2d 554 (D. Md. 2007).

Military police officer who observed defendant commit a traffic violation on a military base was not authorized under § 2-301 of this title to follow defendant in fresh pursuit and arrest defendant outside of the officer’s jurisdiction. Section 2-301 of this title does not apply to federal military police officers because (1) this section does not include federal military police officers in its definition of police officer and (2) the specification under § 2-104(b) of this subtitle that only the subtitle on warrantless arrests applied to federal enforcement officers demonstrated that the subtitle addressing fresh pursuit did not apply to federal enforcement officials. *United States v. Atwell*, 470 F. Supp. 2d 554 (D. Md. 2007).

Applied in *Miller v. State*, 151 Md. App. 235, 824 A.2d 1017 (2003), cert. denied, 377 Md. 113, 832 A.2d 205 (2003).

§ 2-102. Authority of police officers — In general.

(a) *Scope of section.* — This section does not apply to an employee of the Department of State Police to whom the Secretary of State Police assigns the powers contained in § 2-412 of the Public Safety Article.

(b) *In general.* — (1) Subject to the limitations of paragraph (3) of this subsection, a police officer may make arrests, conduct investigations, and otherwise enforce the laws of the State throughout the State without limitations as to jurisdiction.

(2) This section does not authorize a police officer who acts under the authority granted by this section to enforce the Maryland Vehicle Law beyond the police officer's sworn jurisdiction, unless the officer is acting under a mutual aid agreement authorized under § 2-105 of this subtitle.

(3) A police officer may exercise the powers granted by this section when:

(i) 1. the police officer is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;

2. the police officer is rendering assistance to another police officer;

3. the police officer is acting at the request of a police officer or State Police officer; or

4. an emergency exists; and

(ii) the police officer is acting in accordance with regulations adopted by the police officer's employing unit to carry out this section.

(4) The powers granted by this section are in addition to the powers granted by §§ 5-801, 5-802, 5-807, 5-808, and 5-901 of the Criminal Law Article and to the powers of fresh pursuit granted by Subtitle 3 of this title.

(c) *Required notifications.* — (1) A police officer who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;

2. the Police Commissioner or Police Commissioner's designee, when in Baltimore City;

3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;

4. the sheriff or sheriff's designee, when in a county without a county police department;

5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources;

6. the chief of police of the Maryland Transportation Authority or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration;

7. the chief of police of the Department of General Services or the chief's designee, when on property owned, leased, operated, managed, patrolled by, or under the control of the Department of General Services; or

8. the chief of police of the Maryland-National Capital Park and Planning Commission for the county in which the property is located, when on property owned, leased, or operated by or under the control of the Maryland-National Capital Park and Planning Commission; and

(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.

(2) When the police officer participates in a joint investigation with officials from another state, federal, or local law enforcement unit, the police officer shall give the notice required under paragraph (1) of this subsection reasonably in advance.

(d) *Immunities and exemptions; employee status.* — A police officer who acts under the authority granted by this section:

(1) has all the immunities from liability and exemptions as a State Police officer in addition to any other immunities and exemptions to which the police officer is otherwise entitled; and

(2) remains at all times and for all purposes an employee of the employing unit.

(e) *Effect of section.* — (1) This section does not impair a right of arrest otherwise existing under the Code.

(2) This section does not deprive a person of the right to receive a citation for a traffic violation as provided in the Maryland Vehicle Law or a criminal violation as provided by law or the Maryland Rules. (An. Code 1957, art. 27, § 594B(k), (l), (m)(1)(iii), (iv), (2)(i), (ii), (3), (4), (5), (6); 2001, ch. 10, § 2; ch. 35; 2002, ch. 213, § 6; 2003, ch. 17; 2005, ch. 10; ch. 25, § 1; ch. 534; 2006, chs. 44, 352.)

University of Baltimore Law Forum. — For discussion of police investigative procedures and juveniles, see 16, No. 1 U. Balt. Law Forum 6 (1986).

Constitutional rights. — Although this section clearly states that police officers do not have the statutory authority to enforce State vehicle law outside their jurisdiction, it does not reference any federal constitutional right that would be violated if an officer sought to do so. *Horn v. City of Seat Pleasant*, 57 F. Supp. 2d 219 (D. Md. 1999).

Probable cause. — Where none of three occupants of a vehicle admitted ownership of drugs found in a part of the vehicle accessible to all of the occupants, the arrest of the occupant who subsequently admitted such ownership was supported by probable cause to believe that such occupant was in possession of the drugs, either solely or jointly, within the meaning of former Article 27, § 594B (repealed 2001, now subsection (b) of this section); it was reasonable for the arresting officer to infer a common enterprise among the three occupants, in view of the likelihood of drug dealing in which an innocent party was unlikely to be involved. *Maryland v. Pringle*, 540 U.S. 366, 124 S. Ct. 795, 157 L. Ed. 2d 769 (2003).

Effect of 1993 amendments. — In enacting the 1993 amendments to former Art. 27 § 594B, the legislature deliberately withdrew the power of local police officers to enforce the

State motor vehicle laws outside the officer's home jurisdiction. *Boston v. Baltimore County Police Dep't*, 357 Md. 393, 744 A.2d 1062 (2000).

Prohibition on extra-territorial enforcement of motor vehicle laws. — Apart from the specific prohibition against extra-territorial enforcement of the motor vehicle laws, none of the authority under this provision may be exercised unless the officer is participating in a joint investigation with other law enforcement agencies, at least one of which has local jurisdiction, the officer is rendering assistance to another police officer, the officer is acting at the request of another State or local police officer, or an emergency exists, and the officer is acting in accordance with regulations adopted by the employing agency. *Boston v. Baltimore County Police Dep't*, 357 Md. 393, 744 A.2d 1062 (2000).

A police officer violated the prohibition against the exercise of extra-territorial authority in the enforcement of motor vehicle laws where the officer commenced pursuit after a driver had run a red light, nearly collided with the officer, and briefly swayed after making a sharp left turn, but where the officer was not participating in a joint investigation, was not rendering assistance to or acting at the request of another officer, and where there was no emergency as that term is defined in former Art. 27, § 594B (now § 2-101 of this article). *Boston v. Baltimore County Police Dep't*, 357 Md. 393, 744 A.2d 1062 (2000).

It is clear from the plain language of the extra-territorial authority statute and from its legislative history that the emergency provision in former Art. 27, § 594B(m)(3)(i)(4) and the other three circumstances in that subsection (now at (b)(3)(i) of this section) are not exceptions to the prohibition against enforcing the motor vehicle laws but rather define the circumstances in which the extra-territorial authority to enforce other laws may be exercised. *Boston v. Baltimore County Police Dept.*, 357 Md. 393, 744 A.2d 1062 (2000).

Construing a prior similar version of this section and § 2-301 of this title in harmony, the appellate court held that the prohibition against extra-territorial enforcement of motor vehicle laws did not abrogate the common law doctrine of fresh pursuit, as codified in Maryland statutes, in the case of an officer who observed a motorist driving erratically, pursued the motorist across a bridge into another jurisdiction, and eventually arrested the motorist for drunk driving. *Seip v. State*, 153 Md. App. 83, 835 A.2d 187 (2003).

Police officers escorting motorcycle charity rides. — Police officers may operate in “emergency status” and disregard the normal rules of the road when providing escorts for motorcycle charity rides, and local police officers may participate in escort duty outside of their home jurisdictions. When doing so, local police officers can take certain actions necessary to perform and return from the escort duty, but they cannot make arrests or issue citations for violations of the traffic laws. 99 Op. Att’y Gen. 50 (July 17, 2014).

Mutual aid agreements to operate sobriety checkpoints. — If a municipality enters into a mutual aid agreement under CP § 2-105 with other municipalities to operate sobriety checkpoints, its police officers may enforce provisions of the Maryland vehicle law in the participating jurisdictions. 89 Op. Att’y Gen. 158 (Aug. 16, 2004).

Authority of special deputy to make traffic stop outside municipal jurisdiction. — Appointment as a special deputy sheriff ordinarily confers no greater authority on an officer to make routine traffic stops outside the officer’s municipal jurisdiction. However, there

may be rare cases in which the particular circumstances justifying the appointment of a special deputy involves making a traffic stop; in that case, the special deputy could make a traffic stop within Harford County even if outside the officer’s municipal jurisdiction. 89 Op. Att’y Gen. 66 (Mar. 26, 2004).

National Security Agency officers. — Maryland statutory provisions conferring powers on police officers do not apply directly to an National Security Agency (NSA) officer because an NSA officer is not a “police officer” as defined in the Criminal Procedure article. Certain provisions applicable to a “federal law enforcement officer” would apply to an NSA officer acting within the territorial jurisdiction of the NSA police. 90 Op. Att’y Gen. 92 (June 27, 2005).

A National Security Agency (NSA) officer may make a citizen’s arrest if the officer witnesses certain crimes outside the territorial jurisdiction of the NSA police. 90 Op. Att’y Gen. 92 (June 27, 2005).

“Emergency” exception. — Extra-territorial arrest of a defendant was justified by an “emergency situation” under (b)(3), as defendant and defendant’s car matched the description given by a victim who had been raped less than two hours earlier, the car was not registered to defendant, and a female in the car may have been in danger. *Miller v. State*, 151 Md. App. 235, 824 A.2d 1017 (2003), cert. denied, 377 Md. 113, 832 A.2d 205 (2003).

Suppression of evidence not required. — This section does not require, by either its terms or its history, the suppression of evidence as a sanction for the failure to comply with its provisions. *Miller v. State*, 151 Md. App. 235, 824 A.2d 1017 (2003), cert. denied, 377 Md. 113, 832 A.2d 205 (2003).

Execution of a search warrant at defendant’s home in Baltimore County, by Baltimore City officers was fully compliant because they were accompanied by federal marshals; even if the search had not been compliant, however, suppression of evidence would not necessarily have been required. *Brown v. State*, 153 Md. App. 544, 837 A.2d 956 (2003), cert. denied, 380 Md. 618, 846 A.2d 401 (2004).

Cited in *Wood v. State*, 196 Md. App. 146, 7 A.3d 1115 (2010); *In re Darryl P.*, 211 Md. App. 112, 63 A.3d 1142 (2013).

§ 2-104. Authority of federal law enforcement officers.

(a) *“Federal law enforcement officer” defined.* — In this section, “federal law enforcement officer” means an officer who may:

- (1) make an arrest with or without a warrant for violations of the United States Code; and
- (2) carry firearms in the performance of the officer’s duties.

(b) *In general.* — (1) Subject to the limitations of paragraph (2) of this subsection, a federal law enforcement officer may:

(i) make arrests as set forth in Subtitle 2 of this title; and
 (ii) execute arrest and search and seizure warrants issued under the laws of the State.

(2) A federal law enforcement officer may exercise the powers granted by this subsection when:

(i) the federal law enforcement officer is participating in a joint investigation with officials from a State or local law enforcement unit;

(ii) the federal law enforcement officer is rendering assistance to a police officer;

(iii) the federal law enforcement officer is acting at the request of a local police officer or State Police officer; or

(iv) an emergency exists.

(c) *Required notifications.* — (1) A federal law enforcement officer who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;

2. the police commissioner or police commissioner's designee, when in Baltimore City;

3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;

4. the sheriff or sheriff's designee, when in a county without a county police department;

5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or

6. the chief of police of the Maryland Transportation Authority or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and

(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.

(2) When the federal law enforcement officer participates in a joint investigation with officials from a State or local law enforcement unit, the federal law enforcement officer shall give the notice required under paragraph (1) of this subsection reasonably in advance.

(d) *Legal status; immunity from liability.* — A federal law enforcement officer who acts under the authority granted by this section:

(1) has the same legal status as a police officer;

(2) has the same protections as a police officer under § 2-608 of the Courts Article with regard to charging documents against police officers; and

(3) has the same immunity from liability described in § 5-611 of the Courts Article.

(e) *Effect of section.* — This section does not impose liability on or require indemnification by the State or a local subdivision for an act performed by a federal law enforcement officer under this section. (An. Code 1957, art. 27,

§ 594B(h)(1)(i), (iii), (2), (3), (4), (5), (6), (7), (8)(i), (ii); 2001, ch. 10, § 2; ch. 35; 2004, ch. 252; 2005, ch. 25, § 1.)

Relationship with other laws. — Military police officer who observed defendant commit a traffic violation on a military base was not authorized under § 2-301 of this title to follow defendant in fresh pursuit and arrest defendant outside of the officer's jurisdiction. Section 2-301 of this title does not apply to federal military police officers because (1) § 2-101 of this subtitle does not include federal military police officers in its definition of police officer and (2) subsection (b)'s specification that only the subtitle on warrantless arrests applied to federal enforcement officers demonstrated that the subtitle addressing fresh pursuit did not apply to federal enforcement officials. *United States v. Atwell*, 470 F. Supp. 2d 554 (D. Md. 2007).

National Security Agency officers. — Maryland statutory provisions conferring powers on police officers do not apply directly to an National Security Agency (NSA) officer because

an NSA officer is not a "police officer" as defined in the Criminal Procedure article. Certain provisions applicable to a "federal law enforcement officer" would apply to an NSA officer acting within the territorial jurisdiction of the NSA police. 90 Op. Att'y Gen. 92 (June 27, 2005).

A National Security Agency (NSA) officer may make a citizen's arrest if the officer witnesses certain crimes outside the territorial jurisdiction of the NSA police. 90 Op. Att'y Gen. 92 (June 27, 2005).

Probable cause to arrest. — Defendant's convictions and sentences were upheld where a traffic stop for an alleged State traffic infraction by FBI agents was valid under State law and supported by probable cause; a sentence in excess of the statutory maximum for marijuana was harmless error. *United States v. Ellis*, 326 F.3d 593 (4th Cir. 2003), cert. denied, — U.S. —, 124 S. Ct. 204, 157 L. Ed. 2d 194 (2003).

§ 2-104.1. Authority of federal law enforcement officers — United States Park Police officer.

A United States Park Police officer may make arrests, conduct investigations, issue citations, and otherwise enforce the laws of the State within areas of the National Park System. (2004, ch. 252.)

Subtitle 2. Warrantless Arrests.

§ 2-201. Effect of subtitle.

(a) *Other rights of arrest.* — This subtitle does not impair a right of arrest otherwise existing under the Code.

(b) *Right to receive citations.* — This subtitle does not deprive a person of the right to receive a citation for:

(1) a traffic violation as provided in the Maryland Vehicle Law; or

(2) a criminal violation as provided by law or the Maryland Rules. (An. Code 1957, art. 27, § 594B(k), (1); 2001, ch. 10, § 2.)

University of Baltimore Law Review. — For a comment, "Naturally Shed DNA: The Fourth Amendment Implications in the Trail of Intimate Information We All Cannot Help But Leave Behind," see 41 U. Balt. L. Rev. 165 (2012).

National Security Agency officers. — Maryland statutory provisions conferring powers on police officers do not apply directly to an National Security Agency (NSA) officer because an NSA officer is not a "police officer" as defined

in the Criminal Procedure article. Certain provisions applicable to a "federal law enforcement officer" would apply to an NSA officer acting within the territorial jurisdiction of the NSA police. 90 Op. Att'y Gen. 92 (June 27, 2005).

A National Security Agency (NSA) officer may make a citizen's arrest if the officer witnesses certain crimes outside the territorial jurisdiction of the NSA police. 90 Op. Att'y Gen. 92 (June 27, 2005).

§ 2-202. Warrantless arrests — In general.

(a) *Crimes committed in presence of police officer.* — A police officer may arrest without a warrant a person who commits or attempts to commit a felony or misdemeanor in the presence or within the view of the police officer.

(b) *Probable cause to believe crime committed in presence of officer.* — A police officer who has probable cause to believe that a felony or misdemeanor is being committed in the presence or within the view of the police officer may arrest without a warrant any person whom the police officer reasonably believes to have committed the crime.

(c) *Probable cause to believe felony committed.* — A police officer without a warrant may arrest a person if the police officer has probable cause to believe that a felony has been committed or attempted and the person has committed or attempted to commit the felony whether or not in the presence or within the view of the police officer. (An. Code 1957, art. 27, § 594B(a), (b), (c); 2001, ch. 10, § 2; ch. 206; 2002, ch. 388.)

- I. In General.
- II. Probable Cause In General.
- III. Informants; Witnesses.

I. IN GENERAL.

University of Baltimore Law Review. — For a comment, “Naturally Shed DNA: The Fourth Amendment Implications in the Trail of Intimate Information We All Cannot Help But Leave Behind,” see 41 U. Balt. L. Rev. 165 (2012).

Declaration of common law rules. — Former Art. 27, § 594B(c) (now §§ 2-202(c) and 2-208(a)(1) of this article) was declarative of common law rules long in effect in Maryland. *Richardson v. Snow*, 340 F. Supp. 1261 (D. Md. 1972).

Subsections (a), (b) and (c) are declarative of common law rules of arrest without warrant. *Wescott v. State*, 11 Md. App. 305, 273 A.2d 824, cert. denied, 262 Md. 750 (1971); *Stevenson v. State*, 43 Md. App. 120, 403 A.2d 812 (1979), aff’d, 287 Md. 504, 413 A.2d 1340 (1980).

Subsections (a), (b) and (c) are declarative of the common law rules long followed in this jurisdiction. *Rife v. State*, 9 Md. App. 658, 267 A.2d 326 (1970), cert. denied, 402 U.S. 998, 91 S. Ct. 2185, 29 L. Ed. 2d 165 (1971).

Sobriety checkpoints. — A brief detention at a sobriety checkpoint is not an arrest under Maryland common law. *Little v. State*, 300 Md. 485, 479 A.2d 903 (1984).

General rule. — The general rule is that a warrantless arrest by a police officer is valid where the officer has probable cause to believe at the time of the arrest that a felony has been committed and that the person arrested committed it. *Williams v. State*, 14 Md. App. 619, 287 A.2d 803 (1972).

A Maryland police officer has legal justification to arrest without a warrant when, inter

alia, the officer has probable cause to believe that the arrestee has committed or attempted to commit a felony, or that the arrestee has committed or attempted to commit a misdemeanor in the officer’s presence. *Green v. Zendrian*, 916 F. Supp. 493 (D. Md. 1996).

An arrest of an individual is valid when a police officer has probable cause to believe that the individual has committed a felony or a misdemeanor in the officer’s presence or view. *Howard v. State*, 112 Md. App. 148, 684 A.2d 491 (1996).

Nothing in Md. Code Regs. 11.03.01.05-1 or the Transportation Article deprives a police officer of the general authority under Maryland law to arrest an individual who commits a misdemeanor in the presence of the officer; thus, the arrest of a limousine driver and the impoundment of the driver’s employer’s car for noncompliance with the regulation’s permit requirement were lawful and the driver could not prevail on a claim of false arrest. *State v. Roshchin*, 446 Md. 128, 130 A.3d 453 (2016).

Section spells out conditions when arrest made without warrant. — The conditions when an arrest is made without a warrant by a police officer are spelled out by this section, although its provisions in part are declaratory of the common law. *Hebron v. State*, 13 Md. App. 134, 281 A.2d 547 (1971), cert. denied, 264 Md. 748 (1972).

Statute not applicable to military police officers. — Because a military police officer is not included within the definition of police officer under § 2-101 of this title, (a) does not give a military police officer authority to make

a warrantless arrest of a person who commits or attempts to commit a felony or misdemeanor in the presence or within the view of the military police officer. *United States v. Atwell*, 470 F. Supp. 2d 554 (D. Md. 2007).

“Arrest.” — An arrest is the detention of a known or suspected offender for the purpose of criminal prosecution. *Richardson v. Snow*, 340 F. Supp. 1261 (D. Md. 1972); *Jordan v. State*, 17 Md. App. 201, 300 A.2d 701 (1973).

There is a detention only when there is a touching by the arrestor or when the arrestee is told that arrestee is under arrest and submits. *Jordan v. State*, 17 Md. App. 201, 300 A.2d 701 (1973).

Where there is no touching, the intention of the arrestor and the understanding of the arrestee are determinative, for in order for there to be an arrest in such case, there must always be an intent on the part of one to arrest the other and an intent on the part of such other to submit. *Jordan v. State*, 17 Md. App. 201, 300 A.2d 701 (1973).

One is not arrested when the individual is approached by a police officer and merely questioned as to the individual’s identity and actions. This amounts to no more than an accosting. *Richardson v. Snow*, 340 F. Supp. 1261 (D. Md. 1972).

Illegal arrest. — The illegality of an arrest is no ground for dismissal of indictment. *Wescott v. State*, 11 Md. App. 305, 273 A.2d 824, cert. denied, 262 Md. 750 (1971).

Illegal arrest makes search and seizure unlawful. — If the arrest were illegal, the search and seizure would be unreasonable and thus unlawful. *Wescott v. State*, 11 Md. App. 305, 273 A.2d 824, cert. denied, 262 Md. 750 (1971).

Valid arrest does not alter validity of search incident thereto. — A valid warrantless arrest after forcible entry does not alter the validity of a warrantless search incident to that arrest. *Nilson v. State*, 272 Md. 179, 321 A.2d 301 (1974).

Two elements comprising standard of conduct. — The standard governing police conduct is composed of two elements; the first is subjective and the second is objective. Thus, the officer must allege and prove not only that the officer believed, in good faith, that the officer’s conduct was lawful, but also that the belief was reasonable. *Richardson v. Snow*, 340 F. Supp. 1261 (D. Md. 1972).

Arrest of juvenile. — Unless a police officer or other authorized person has reason to arrest a juvenile pursuant to the provisions of this section, then the provisions relating to the filing of a juvenile complaint and obtaining of a juvenile petition must be followed to the exclusion of the issuance of a warrant. 60 Op. Att’y Gen. 419 (1975).

Arrest based upon indictment or information. — While the issuance of an arrest warrant to effect an arrest may be preferable, especially when dealing with an information, nevertheless, the Sheriff and deputy sheriffs in Prince George’s County are empowered to arrest an individual when the State’s Attorney has issued to them a duly executed indictment returned by the grand jury or a duly executed criminal information signed by the State’s Attorney charging the commission of a felony. 62 Op. Att’y Gen. 838 (1977).

Fourth amendment not violated. — Even if plaintiff arrestee’s warrantless arrest for a misdemeanor assault that was committed outside defendant officers’ presence was technically a violation of Maryland law, the arrest did not violate the Fourth Amendment because the officers had probable cause based on the advice that they were given after they arrived at the scene, and the officers were entitled to qualified immunity. *Shultz v. Smith*, 264 F. Supp. 2d 278 (D. Md. 2003).

Quoted in *State v. Wallace*, 372 Md. 137, 812 A.2d 291 (2002).

Stated in *Belote v. State*, 199 Md. App. 46, 20 A.3d 143 (2011).

II. PROBABLE CAUSE IN GENERAL.

“Probable cause” defined. — For the definition of “probable cause,” see *Simmons v. State*, 8 Md. App. 355, 259 A.2d 814 (1969). For an application of the definition of “probable cause,” see *Sands v. State*, 9 Md. App. 71, 262 A.2d 583 (1970).

The statute authorizing warrantless arrests does not affect the established definition of “probable cause.” *Rife v. State*, 9 Md. App. 658, 267 A.2d 326 (1970), cert. denied, 402 U.S. 998, 91 S. Ct. 2185, 29 L. Ed. 2d 165 (1971).

Probable cause within the contemplation of this section has the same meaning it had under the common law rules of arrest without a warrant long followed in this jurisdiction. *Wescott v. State*, 11 Md. App. 305, 273 A.2d 824, cert. denied, 262 Md. 750 (1971); *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

Probable cause exists in this context when the facts and circumstances within the knowledge of the arresting officer, or of which the officer has reasonably trustworthy information, are sufficient to warrant a reasonably cautious person in believing that a felony had been committed by the person arrested. *Wescott v. State*, 11 Md. App. 305, 273 A.2d 824, cert. denied, 262 Md. 750 (1971); *Williams v. State*, 14 Md. App. 619, 287 A.2d 803 (1972); *Stevenson v. State*, 43 Md. App. 120, 403 A.2d 812 (1979), aff’d, 287 Md. 504, 413 A.2d 1340 (1980).

Probable cause for arrest exists where the facts and circumstances within the officer's knowledge, and of which the officer had reasonably trustworthy information, are sufficient of themselves to warrant a man of reasonable caution in the belief that an offense had been or is being committed by the accused. Those facts and circumstances may come within the officer's knowledge by means of a lookout broadcast over the police radio system. *Thompson v. State*, 15 Md. App. 335, 290 A.2d 565, cert. denied, 266 Md. 743 (1972).

Probable cause exists when the facts and circumstances within the knowledge of the arresting officer, or of which the officer had reasonably trustworthy information, are sufficient to warrant a reasonably cautious person in believing that a crime had been committed by the person arrested. *Hebron v. State*, 13 Md. App. 134, 281 A.2d 547, cert. denied, 264 Md. 748 (1972).

Probable cause exists when facts within the knowledge of the arresting officer or police team, or of which they had reasonably trustworthy information, are sufficient to warrant a reasonably cautious man in believing a crime had been committed by the person arrested; only probability and not a prima facie showing of criminal activity is standard for probable cause. *Collins v. State*, 17 Md. App. 376, 302 A.2d 693 (1973).

"Probable cause" is not probable cause in a constitutional sense, but is instead a reasonable belief on the part of the arresting officer that the officer's conduct was lawful in attempting to carry out an arrest. This being the standard, it is immaterial whether or not there actually was an informant as long as the arresting officer reasonably and in good faith believed there was an informant, even assuming that no other basis for an arrest existed in the officer's mind except what the officer understood had been conveyed by the informant. *Richardson v. Snow*, 340 F. Supp. 1261 (D. Md. 1972).

Police officers' knowledge of an accused's activities, information received from a reliable informant, the flight from the officers when they were observed by defendant, and defendant's attempted discard of a "sandwich bag" containing 131 capsules, obviously gave rise to probable cause for the officers to believe that at least a misdemeanor (unlawful possession of a proscribed drug) was being committed in their presence. *Williams v. State*, 14 Md. App. 619, 287 A.2d 803 (1972).

Probable cause is defined as a nontechnical conception of a reasonable ground for belief of guilt requiring less evidence than to justify conviction but more evidence than mere suspicion. *Collins v. State*, 17 Md. App. 376, 302 A.2d 693 (1973); *Brown v. State*, 29 Md. App. 1, 349 A.2d 359 (1975).

Knowledge gained from the sense of smell alone may be of such character as to give rise to probable cause for a belief that a crime is being committed in the presence of the officer. When such conditions exist a warrantless arrest infringes upon no constitutional right. *Ford v. State*, 37 Md. App. 373, 377 A.2d 577, cert. denied, 281 Md. 737 (1977).

Probable cause existed where, after a police radio broadcast and coupled with personal observations, a police officer believed that the offense of petty larceny had been committed, the person the officer saw enter the grocery store, namely, the defendant, committed the offense, and unless immediately apprehended, the suspect might, at the very least, dispose of evidence or possibly escape altogether. *Thomas v. State*, 39 Md. App. 217, 384 A.2d 772 (1978), aff'd, 285 Md. 458, 404 A.2d 257 (1979).

Where the informant based a conclusion that the defendant's baggage contained marijuana on personal observations backed by past experience, and this was made known to the arresting officers directly by the informant, the information the police team secured from the informant clearly gave them probable cause for the warrantless arrests. *State v. Lohss*, 19 Md. App. 489, 313 A.2d 87 (1973), rev'd on other grounds, 272 Md. 113, 321 A.2d 534 (1974).

Nontechnical conception. — The rule of probable cause is a nontechnical conception of a reasonable ground for belief of guilt, requiring less evidence for such belief than would justify conviction, but more evidence than that which would arouse a mere suspicion. *Wescott v. State*, 11 Md. App. 305, 273 A.2d 824, cert. denied, 262 Md. 750 (1971); *Hebron v. State*, 13 Md. App. 134, 281 A.2d 547 (1971); *Cuffia v. State*, 14 Md. App. 521, 287 A.2d 319 (1972); *Williams v. State*, 14 Md. App. 619, 287 A.2d 803 (1972); *Nilson v. State*, 272 Md. 179, 321 A.2d 301 (1974); *Ford v. State*, 37 Md. App. 373, 377 A.2d 577, cert. denied, 281 Md. 737 (1977).

Only probability is the standard. — Only the probability, and not a prima facie showing of criminal activity, is the standard for probable cause. *Wescott v. State*, 11 Md. App. 305, 273 A.2d 824, cert. denied, 262 Md. 750 (1971); *Hebron v. State*, 13 Md. App. 134, 281 A.2d 547 (1971); *Jordan v. State*, 17 Md. App. 201, 300 A.2d 701 (1973).

Legality measured by existence of probable cause. — The legality of an arrest is measured by the existence of probable cause at the time of the arrest. *Wescott v. State*, 11 Md. App. 305, 273 A.2d 824, cert. denied, 262 Md. 750 (1971); *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971).

It is the existence of probable cause at the time of an arrest which is the measure of the legality of the arrest. *Hebron v. State*, 13 Md. App. 134, 281 A.2d 547 (1971), cert. denied, 264 Md. 748 (1972).

Probable cause existing at the time of an arrest is the measure of the legality of the arrest. *Carter v. State*, 18 Md. App. 150, 305 A.2d 856 (1973).

The test is whether or not the police officer making the arrest had probable cause to believe the defendant committed a felony rather than that the officer had sufficient evidence to warrant a conviction of that crime. *Thompson v. State*, 15 Md. App. 335, 290 A.2d 565, cert. denied, 266 Md. 743 (1972).

Whether an arrest for a felony without a warrant is constitutionally valid necessarily turns upon whether, at the moment the arrest was made, the arresting officer or the police acting as a team had probable cause to make it; that is, whether at that moment the facts and circumstances within their knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in believing that the accused had committed or was committing a felony. *Nilson v. State*, 272 Md. 179, 321 A.2d 301 (1974).

Where the police department had reliable information that the felonies of rape and burglary had been committed and that there was probable cause to believe that defendant was the perpetrator, the fact that defendant was subsequently acquitted of these crimes is of no consequence, for in making an arrest, it is probable cause, not certainty beyond a reasonable doubt, that determines its legality. *Bosley v. State*, 14 Md. App. 83, 286 A.2d 203 (1972).

Reasonable promptness rule. — Subsections (a) and (b) are interpreted as meaning that if (1) a misdemeanor is committed or attempted in a police officer's presence or view or (2) if the officer has probable cause to believe that a misdemeanor is being committed in the officer's presence or view, the officer may make a warrantless arrest only if the arrest is made with reasonable promptness after the offense (or supposed offense) is attempted or committed, "the reasonable promptness rule." *Torres v. State*, 147 Md. App. 83, 807 A.2d 780 (2002).

Defendant's delayed arrest for trespass was illegal as it failed to meet the reasonable promptness rule; at the time the officer chased after defendant — and for the 13 days that followed — the officer did not know whether defendant had ever been banned from entry onto the premises; the mere fact that the officer knew that defendant had been banned from several locations plainly would not give the officer probable cause to believe that defendant had been banned from all locations on that avenue; thus, the officer had, at best, a hunch that defendant might be trespassing — not probable cause to believe that defendant was, in fact, trespassing. *Torres v. State*, 147 Md. App. 83, 807 A.2d 780 (2002).

Preference for warrants. — A preference for warrants permits less persuasive evidence

to justify issuance of a warrant than would justify a warrantless search or warrantless arrest so long as a substantial basis for probable cause before the issuing magistrate exists. *Hignut v. State*, 17 Md. App. 399, 303 A.2d 173 (1973).

Requirements of record. — The record must show that arresting officer had probable cause to believe that a felony had been committed and that the arrestee committed it. *Metallo v. State*, 10 Md. App. 76, 267 A.2d 804, cert. denied, 259 Md. 734 (1970).

Probable cause may be shown by evidence of circumstances surrounding arrest. — Probable cause for a challenged warrantless arrest may be shown by evidence of circumstances surrounding arrest. *Collins v. State*, 17 Md. App. 376, 302 A.2d 693 (1973).

There was sufficient probable cause to believe that the defendant participated in the sale of cocaine where, although the arresting officer did not witness the purchase of cocaine by an informant, the informant's description of the seller matched the defendant, the defendant was in the vicinity of the crime, and an extremely short time elapsed between the moment the crime occurred and the defendant's arrest. *Cooper v. State*, 128 Md. App. 257, 737 A.2d 613 (1999).

Officer can be furnished with probable cause if the officer receives the information from responsible sources. *Thompson v. State*, 15 Md. App. 335, 290 A.2d 565, cert. denied, 266 Md. 743 (1972).

Letter from F.B.I. — A letter from the Federal Bureau of Investigation is from a responsible official source and would furnish the officer with probable cause. *Thompson v. State*, 15 Md. App. 335, 290 A.2d 565, cert. denied, 266 Md. 743 (1972).

Department "lookout sheet." — The presence of information on an official police department "lookout sheet" would be a responsible official source and could furnish probable cause for the arrest. *Thompson v. State*, 15 Md. App. 335, 290 A.2d 565, cert. denied, 266 Md. 743 (1972).

The presence of information on an official police department "lookout sheet" may be utilized in demonstrating probable cause for an arrest. *Carter v. State*, 18 Md. App. 150, 305 A.2d 856 (1973).

Official police broadcast. — An official police broadcast can furnish an individual officer with probable cause for arrest. *Carter v. State*, 18 Md. App. 150, 305 A.2d 856 (1973).

Based on collective information. — Probable cause may be based on information collectively within the knowledge of the police. *Hebron v. State*, 13 Md. App. 134, 281 A.2d 547 (1971), cert. denied, 264 Md. 748 (1972); *Carter v. State*, 18 Md. App. 150, 305 A.2d 856 (1973).

The State must produce evidence showing that where the arresting officer did not have probable cause to make the arrest, the police team did have such cause. In such cases the State is required to produce the evidence on which the officers initiating a broadcast acted. *Thompson v. State*, 15 Md. App. 335, 290 A.2d 565, cert. denied, 266 Md. 743 (1972); *Carter v. State*, 18 Md. App. 150, 305 A.2d 856 (1973).

Assessing probable cause in lottery cases. — An important factor in assessing the existence of probable cause in lottery cases is the expertise of the arresting officer. *Cuffia v. State*, 14 Md. App. 521, 287 A.2d 319 (1972).

Assessing probable cause in narcotics cases. — The expertise of the officer in narcotics cases may be an important factor in assessing the existence of probable cause. *Jordan v. State*, 17 Md. App. 201, 300 A.2d 701 (1973).

Report over police radio provides probable cause. — Report of felony and description of perpetrators broadcast over police radio may furnish probable cause for an arrest, and it is not essential that the arresting officer personally have probable cause for the arrest, where information collectively within the knowledge of the police comprises probable cause and the arresting officer has been alerted over the police radio to make the arrest. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971); *Bosley v. State*, 14 Md. App. 83, 286 A.2d 203 (1972).

Receipt by a police officer of information over a police radio may furnish probable cause for an arrest. The arresting officer need not have within personal knowledge facts and circumstances sufficient to constitute probable cause for the arrest if other members of the police team have such information and the arresting officer has been alerted to make the arrest. *Hebron v. State*, 13 Md. App. 134, 281 A.2d 547 (1971), cert. denied, 264 Md. 748 (1972).

Not constitutional test. — Police officer need not allege and prove probable cause in the constitutional sense. *Richardson v. Snow*, 340 F. Supp. 1261 (D. Md. 1972).

Odor of marijuana. — Odor of marijuana noted by officer who had stopped car for speeding provided probable cause for the arrest of the driver. *Ford v. State*, 37 Md. App. 373, 377 A.2d 577, cert. denied, 281 Md. 737 (1977).

Because the initial vehicle stop was validly based on a report of a stolen vehicle, the discovery of marijuana based on smell and plain view justified defendant's warrantless arrest. *Johnson v. State*, 142 Md. App. 172, 788 A.2d 678 (2002), cert. denied, 369 Md. 180, 798 A.2d 552 (2002).

Defendant's search was a search incident to arrest because, inter alia, police had probable cause to believe defendant possessed marijuana, as (1) police smelled marijuana emanating from the vehicle defendant occupied and

defendant's person, defendant admitted smoking marijuana, and defendant gave an officer a cigar, and (2) decriminalizing possession of less than ten grams of marijuana did not require police to decide if the amount possessed were more than 9.99 grams, as the odor indicated a crime. *Barrett v. State*, 234 Md. App. 653, 174 A.3d 441 (2017).

Possession of recently stolen goods. — If possession of recently stolen goods can give rise to an inference which directly results in conviction, then possession of such goods provides all the requisite "probable cause" for a warrantless arrest. *Richardson v. Maryland*, 398 F. Supp. 425 (D. Md. 1975).

No legal authority for arrest. — Although a detective had probable cause to arrest a limousine driver for violating Maryland Code of Regulations 11.03.01.05-1, when this statute was read in conjunction with § 5-1104 of the Transportation Article, it was clear that the detective lacked the legal authority to arrest the driver; § 5-1104 limited the action the detective could take to the issuance of a citation. *Roshchin v. State*, 219 Md. App. 169, 100 A.3d 499 (2014).

Arrest without probable cause. — Probable cause for arrest not found. *Green v. State*, 77 Md. App. 477, 551 A.2d 127, cert. denied, 315 Md. 692, 556 A.2d 674 (1989).

The mere presence of a closed film canister in a car found to contain cocaine was legally insufficient to support the requisite probable cause to arrest defendant standing outside of the vehicle. *Collins v. State*, 322 Md. 675, 589 A.2d 479 (1991).

A warrantless arrest was held illegal where a police officer had no probable cause to believe that a felony (housebreaking) had been committed, and a subsequent search of accused's car was likewise unreasonable and illegal. *Roop v. State*, 13 Md. App. 251, 283 A.2d 198 (1971).

Evidence sufficient to show probable cause. — The trial court properly concluded that the police arrested appellant based on probable cause to believe that defendant committed an assault with intent to do great bodily harm; the evidence adduced established probable cause to believe that the offense had been committed, that appellant had committed the offense, and that, unless appellant was immediately arrested, defendant might cause injury to the victim. *Howard v. State*, 112 Md. App. 148, 684 A.2d 491 (1996).

Police had probable cause, pursuant to (c), to arrest defendant for first degree assault, a felony under § 3-202 of the Criminal Law Article, before they seized a gun they found on the premises. The arresting officer could have placed defendant under arrest based upon the assault victim's statement to police: that a man, identified as defendant, had pointed a gun at

and threatened to kill the victim. *State v. Rowlett*, 159 Md. App. 386, 859 A.2d 303 (2004).

Officer had probable cause for defendant's warrantless arrest based on information provided by an informant where the informant's information was trustworthy, particularly in light of the fact that it was provided in a face to face interview with an officer. *Massey v. State*, 173 Md. App. 94, 917 A.2d 1175 (2007).

Officer had probable cause to arrest defendant after observing the driver of car during the occurrence of the crime and then again when executing the arrest; thus, the particularity of the description of the offender, specifically the multi-colored shirt seen in both instances, was based on first-person observation. *Haley v. State*, 398 Md. 106, 919 A.2d 1200 (2007).

Officer had probable cause to make a warrantless arrest of defendant where a description that matched that of defendant was given to the arresting officer by another officer just minutes prior to the arrest. *Evans v. State*, 174 Md. App. 549, 922 A.2d 620, cert. denied, 400 Md. 648, 929 A.2d 890 (2007).

Defendant was lawfully arrested where it was reasonable for the officers to infer that the driver and the passengers were in possession of a confirmed stolen vehicle based on an inference of common enterprise, stealing and/or possessing a stolen vehicle, among the individuals. *Hatcher v. State*, 177 Md. App. 359, 935 A.2d 468 (2007).

Under the applicable totality of the circumstances analysis, defendant's arrest was founded on probable cause where an officer observed defendant exchanging objects with another man at 12:30 a.m. in a high-traffic drug area, as the officer did not need absolute certainty in regard to the objects that were exchanged in order to obtain probable cause. *Williams v. State*, 188 Md. App. 78, 981 A.2d 46, cert. denied, 411 Md. 742, 985 A.2d 539 (2009).

Officer had probable cause to arrest defendant for committing the crime of trespassing on posted property, in violation of § 6-402(a) of the Criminal Law Article, because, after the officer had a reasonable suspicion the defendant was committing this crime, when the officer (1) saw defendant enter property that had been posted, (2) knew defendant did not own the property, and (3) reasonably believed defendant was not going to visit a resident of the property, this reasonable suspicion ripened into probable cause when the officer determined, while defendant was detained, and before defendant was arrested, that defendant did not live on the property in question. *Jones v. State*, 194 Md. App. 110, 3 A.3d 465 (2010).

Probable cause supported appellant's warrantless arrest because, *inter alia*: (1) appellant's abandonment of a bicycle and running away when a police officer approached indicated, in light of the recent robberies, con-

sciousness of guilt; (2) appellant fit the physical description of the perpetrator, who went by the nickname "B"; and (3) appellant's cycling companion stated the man who ran away went by the name "B." *Moulden v. State*, 212 Md. App. 331, 69 A.3d 36 (2013).

Officers observed defendant flee on foot in an apparent attempt to elude them within a minute after they had signaled for him to stop by activating the emergency lights on their vehicle and approached his car with their insignia of office prominently displayed; those observations supplied the officers with at least probable cause to believe that defendant was committing the offense of fleeing and eluding the officers, and they had an objectively reasonable basis to arrest him. *Thornton v. State*, 238 Md. App. 87, 189 A.3d 769 (2018).

Arrest in home. — Construing former Art. 27, § 594B (now this section) in conjunction with U.S. Const. amend. IV, the court of appeals determined that police officers did not have exigent circumstances reasons to make a warrantless arrest of defendant at home after they observed marijuana growing in the home when they looked in the window. *Dunnuck v. State*, 367 Md. 198, 786 A.2d 695 (2001).

Defendant's motion to suppress a confession given voluntarily at a police station was properly denied because even if the arrest at home was illegal due to the inadequacy of the particular search warrant that police used, the confession was not subject to the exclusionary rule where the police otherwise had probable cause to arrest such that they could have made the arrest outside the home pursuant to this section. *Faulkner v. State*, 156 Md. App. 615, 847 A.2d 1216 (2004), cert. denied, 382 Md. 685, 856 A.2d 721 (2004).

III. INFORMANTS; WITNESSES.

State must establish reliability of informant. — Where another person and not a police officer is the source of the incriminating information, the officer who relays the information to an arresting officer is merely a conduit and the fact that the officer is a reliable person is not sufficient; it is the credibility and reliability of the informant that is involved, and the State must establish it on the record. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

Whether a police officer had probable cause to believe that defendant was committing a misdemeanor in the officer's presence, or view, must be viewed in the light of the reliability of an informer as established by the trustworthiness of the information provided by the informer and the officer's personal observations of the activities of the defendant immediately prior to the arrest. *Cuffia v. State*, 14 Md. App. 521, 287 A.2d 319 (1972).

Where a state trooper without a warrant searched the automobile accused was operating and seized marijuana based upon information received earlier in the day from a confidential informant, who was an undercover agent employed by Pinkerton Detective Agency and who had turned over to the trooper marijuana purchased preceding day from accused, the informant spoke from direct personal knowledge and "credibility" was adequately established. *Schmidt v. State*, 17 Md. App. 492, 302 A.2d 714, cert. denied, 269 Md. 765 (1973).

Basis of informer's conclusion. — It is not necessary in all cases that the basis of the informer's conclusion that the accused was committing a crime be shown to establish the legality of the arrest. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

Where the arrest is initiated on hearsay information received from an informant whose reliability is established on the record, the fact that the underlying basis for the informer's conclusion that the accused was committing a crime is not shown does not render the arrest illegal, so long as the arresting officer, by the officer's own observations, is able to corroborate the substance of the informer's information, thus providing a substantial independent basis for crediting the hearsay. Under this test, as with the other, the reliability of the informer must be shown on the record; it cannot be established solely by reason of the fact that when the informer's information was acted upon it proved accurate. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

The informant's tip did not provide probable cause to search a trunk where the content of the tip, standing alone, was inadequate to furnish a reasonable assurance of being based on firsthand observation, was sorely lacking in meaningful detail, and was not corroborated by other police testimony. *Dixon v. State*, 133 Md. App. 654, 758 A.2d 1063 (2000).

General rule where arrest initiated on hearsay information. — The general rule is that where the arrest is initiated on hearsay information received from an informant, the State, to establish its legality where challenged, should sufficiently inform the trial judge of some of the underlying circumstances from which the informant concluded that a crime was being or had been committed by the person to be arrested, and some of the underlying circumstances from which the police concluded that the informant was credible or the information reliable. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971); *Stanley v. State*, 19 Md. App. 507, 313 A.2d 847, cert. denied, 271 Md. 745 (1974).

Such hearsay information admissible to show lawfulness of arrest. — Information upon which the police acted, even if hearsay as adduced in court, is directly relevant and admissible on the issue of the lawfulness of an arrest. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

A description of the criminal from an unidentified eyewitness was held to be reasonably trustworthy information and was admitted in determining the probable cause for an arrest for a felony. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

Evidence that a dog tracked and pointed suspected felons was admissible on the issue of probable cause, the dog's reliability being shown by proof of special training and experience. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

Exception to general rule where information given by witness to crime. — There is an exception to the general rule in the interest of public justice where information is given to a police officer by witnesses to a crime, at the scene of the crime and a few minutes after it has been committed, and the standards of reliability of the witnesses are not the same as when the information is otherwise received from an informer. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

Officer not required to inquire into witness' trustworthiness. — It would be entirely impractical and unrealistic to require the officer to stop investigation of the crime and inquire into the witness' trustworthiness. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

When a crime of violence has been committed in the early morning hours, and the only chance of apprehending the suspected criminal seems to be a prompt apprehension of the escape car, the investigating officer cannot be expected to take the time to ascertain and make notes of the names and backgrounds of all the persons at the scene who related what they had observed. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

Where a police officer was approached on the street and told by a person that the person had just been robbed and that the felon was escaping in a particularly described automobile in a specified direction, the officer could not be expected to take time to ascertain either the informant's credibility or the reliability of the information, but set out with the informant to apprehend the alleged felon, and within minutes saw the car described and the informant pointed out the robber seated in it. The officer arrested the man designated, and the arrest

was legal. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

When independent police observations have verified part of the story told by an informant, that corroboration lends credence to the remaining unverified portion of the story by demonstrating that the informant has, to the extent tested, spoken truly and helps to demonstrate “credibility.” *Stanley v. State*, 19 Md. App. 507, 313 A.2d 847, cert. denied, 271 Md. 745 (1974).

Confession. — Confession voluntarily given is “reasonably trustworthy.” *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

Confession by one person implicating another in felony would furnish probable cause to arrest the person so implicated. *Evans v. State*, 11 Md. App. 451, 274 A.2d 653 (1971), cert. denied, 262 Md. 746 (1971).

§ 2-203. Warrantless arrests — Commission of specified crimes.

(a) *In general.* — A police officer without a warrant may arrest a person if the police officer has probable cause to believe:

(1) that the person has committed a crime listed in subsection (b) of this section; and

(2) that unless the person is arrested immediately, the person:

(i) may not be apprehended;

(ii) may cause physical injury or property damage to another; or

(iii) may tamper with, dispose of, or destroy evidence.

(b) *Specified crimes.* — The crimes referred to in subsection (a)(1) of this section are:

(1) manslaughter by vehicle or vessel under § 2-209 of the Criminal Law Article;

(2) malicious burning under § 6-104 or § 6-105 of the Criminal Law Article or an attempt to commit the crime;

(3) malicious mischief under § 6-301 of the Criminal Law Article or an attempt to commit the crime;

(4) a theft crime where the value of the property or services stolen is less than \$1,000 under § 7-104 or § 7-105 of the Criminal Law Article or an attempt to commit the crime;

(5) the crime of giving or causing to be given a false alarm of fire under § 9-604 of the Criminal Law Article;

(6) indecent exposure under § 11-107 of the Criminal Law Article;

(7) a crime that relates to controlled dangerous substances under Title 5 of the Criminal Law Article or an attempt to commit the crime;

(8) the wearing, carrying, or transporting of a handgun under § 4-203 or § 4-204 of the Criminal Law Article;

(9) carrying or wearing a concealed weapon under § 4-101 of the Criminal Law Article;

(10) prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law Article; and

(11) violation of a condition of pretrial or posttrial release under § 5-213.1 of this article. (An. Code 1957, art. 27, § 594B(e), (f); 2001, ch. 10, § 2; chs. 206, 674; 2002, ch. 213, § 6; 2010, ch. 187; 2012, chs. 29, 30.)

“Probable cause” defined. — For the definition of “probable cause,” see *Simmons v. State*, 8 Md. App. 355, 259 A.2d 814 (1969). For an application of the definition of “probable

cause,” see *Sands v. State*, 9 Md. App. 71, 262 A.2d 583 (1970).

Cited in *Cross v. State*, 165 Md. App. 164, 884 A.2d 1236 (2005).

§ 2-204. Warrantless arrests — For domestic abuse.

(a) *In general.* — A police officer without a warrant may arrest a person if:

(1) the police officer has probable cause to believe that:

(i) the person battered the person’s spouse or another person with whom the person resides;

(ii) there is evidence of physical injury; and

(iii) unless the person is arrested immediately, the person:

1. may not be apprehended;

2. may cause physical injury or property damage to another; or

3. may tamper with, dispose of, or destroy evidence; and

(2) a report to the police was made within 48 hours of the alleged incident.

(b) *Self-defense.* — If the police officer has probable cause to believe that mutual battery occurred and arrest is necessary under subsection (a) of this section, the police officer shall consider whether one of the persons acted in self-defense when determining whether to arrest the person whom the police officer believes to be the primary aggressor. (An. Code 1957, art. 27, § 594B(d); 2001, ch. 10, § 2; ch. 206.)

“Probable cause” defined. — For the definition of “probable cause,” see *Simmons v. State*, 8 Md. App. 355, 259 A.2d 814 (1969). For an application of the definition of “probable cause,” see *Sands v. State*, 9 Md. App. 71, 262 A.2d 583 (1970).

Probable cause to arrest. — Where officers responded to a report of domestic violence involving a son and family members, the officers were entitled to qualified immunity as to the parents’ claims because the officers had proba-

ble cause to arrest the son for domestic assault under Maryland law since the officers had probable cause to believe that the son had assaulted at least one of the son’s parents, that the father had sustained a facial laceration as a result of being assaulted by the son, and that the son, armed with a baseball bat, could cause additional physical injury or property damage. *Meyers v. Balt. County*, 713 F.3d 723 (4th Cir. 2013).

§ 2-204.1. Warrantless arrests — For violation of protective order.

A police officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of a protective order as described in § 4-508.1(c) or § 4-509(b) of the Family Law Article. (2010, ch. 159.)

§ 2-205. Warrantless arrests — For stalking.

A police officer without a warrant may arrest a person if:

(1) the police officer has probable cause to believe the person has engaged in stalking under § 3-802 of the Criminal Law Article;

(2) there is credible evidence other than the statements of the alleged stalking victim to support the probable cause under item (1) of this section; and

(3) the police officer has reason to believe that the alleged stalking victim or another person is in danger of imminent bodily harm or death. (An. Code 1957, art. 27, § 594B(p); 2001, ch. 10, § 2; ch. 206; 2002, ch. 213, § 6.)

“Probable cause” defined. — For the definition of “probable cause,” see *Simmons v. State*, 8 Md. App. 355, 259 A.2d 814 (1969). For

an application of the definition of “probable cause,” see *Sands v. State*, 9 Md. App. 71, 262 A.2d 583 (1970).

§ 2-207. Authority of correctional and other employees.

(a) *Correctional employees monitoring inmates on home detention.* — Correctional employees assigned by the Commissioner of Correction to monitor inmates on home detention under Title 3, Subtitle 4 of the Correctional Services Article have the same powers to arrest inmates in the home detention program as are set forth in this title for police officers.

(b) *Parole and probation employees supervising offenders on home detention.* — Parole and probation employees assigned by the Director of Parole and Probation to supervise offenders on home detention under § 6-108 of the Correctional Services Article have the same powers to arrest these offenders as are set forth in this title for police officers.

(c) *Correctional officers in State correctional facilities.* — Correctional officers designated by the Commissioner of Correction under § 3-216 of the Correctional Services Article have the same powers to arrest persons on the property of a correctional facility of the Division of Correction as are set forth in this title for police officers.

(d) *Correctional officers in local correctional facilities.* — Correctional officers designated by the managing official of a local correctional facility under § 11-802 of the Correctional Services Article have the same powers to arrest persons on the property of the facility as are set forth in this title for police officers. (An. Code 1957, art. 27, § 594B(n), (o), (q), (r); 2001, ch. 10, § 2.)

§ 2-208. Authority of State Fire Marshal and assistants.

(a) *Warrantless arrest powers for commission of specified felonies.* — (1) The State Fire Marshal or a full-time investigative and inspection assistant of the Office of the State Fire Marshal may arrest a person without a warrant if the State Fire Marshal or assistant has probable cause to believe:

(i) a felony that is a crime listed in paragraph (2) of this subsection has been committed or attempted; and

(ii) the person to be arrested has committed or attempted to commit the felony whether or not in the presence or within the view of the State Fire Marshal or assistant.

(2) The powers of arrest set forth in paragraph (1) of this subsection apply only to the crimes listed in this paragraph and to attempts, conspiracies, and solicitations to commit these crimes:

(i) murder under § 2-201(4) of the Criminal Law Article;

(ii) setting fire to a dwelling or occupied structure under § 6-102 of the Criminal Law Article;

(iii) setting fire to a structure under § 6-103 of the Criminal Law Article;

(iv) a crime that relates to destructive devices under § 4-503 of the Criminal Law Article; and

(v) making a false statement or rumor as to a destructive device under § 9-504 of the Criminal Law Article.

(b) *Warrantless arrest powers for commission of specified crimes.* — (1) The State Fire Marshal or a full-time investigative and inspection assistant of the Office of the State Fire Marshal may arrest a person without a warrant if the State Fire Marshal or assistant has probable cause to believe:

(i) the person has committed a crime listed in paragraph (2) of this subsection; and

(ii) unless the person is arrested immediately, the person:

1. may not be apprehended;
2. may cause physical injury or property damage to another; or
3. may tamper with, dispose of, or destroy evidence.

(2) The crimes referred to in paragraph (1) of this subsection are:

(i) a crime that relates to a device that is constructed to represent a destructive device under § 9-505 of the Criminal Law Article;

(ii) malicious burning in the first or second degree under § 6-104 or § 6-105 of the Criminal Law Article;

(iii) burning the contents of a trash container under § 6-108 of the Criminal Law Article;

(iv) making a false alarm of fire under § 9-604 of the Criminal Law Article;

(v) a crime that relates to burning or attempting to burn property as part of a religious or ethnic crime under § 10-304 or § 10-305 of the Criminal Law Article;

(vi) a crime that relates to interference, obstruction, or false representation of fire and safety personnel under § 6-602 or § 7-402 of the Public Safety Article; and

(vii) threatening arson or attempting, causing, aiding, counseling, or procuring arson in the first or second degree or malicious burning in the first or second degree under Title 6, Subtitle 1 of the Criminal Law Article.

(c) *Other warrantless arrest powers.* — (1) The State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal may act under the authority granted by § 2-102 of this title to police officers as provided under paragraph (2) of this subsection.

(2) When acting under the authority granted by § 2-102 of this title, the State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal has the powers of arrest set forth in §§ 2-202, 2-203, and 2-204 of this subtitle.

(d) *Required notifications.* — (1) The State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;

2. the Police Commissioner or Police Commissioner's designee, when in Baltimore City;

3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;

4. the sheriff or sheriff's designee, when in a county without a county police department;

5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or

6. the respective chief of police or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and

(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.

(2) When the State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal participates in a joint investigation with officials from another state, federal, or local law enforcement unit, the State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal shall give the notice required under paragraph (1) of this subsection reasonably in advance.

(e) *Immunities and exemptions; employee status.* — A State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal who acts under the authority granted by this section:

(1) has the same immunities from liability and exemptions as a State Police officer in addition to any other immunities and exemptions to which the State Fire Marshal or full-time investigative and inspection assistant is otherwise entitled; and

(2) remains at all times and for all purposes an employee of the employing unit.

(f) *Effect of section.* — (1) This section does not impair a right of arrest otherwise existing under the Code.

(2) This section does not deprive a person of the right to receive a citation for a traffic violation as provided in the Maryland Vehicle Law or a criminal violation as provided by law or the Maryland Rules. (An. Code 1957, art. 27, § 594B(c), (e), (i)(1), (2), (k), (l), (m)(4), (5), (6), (7)(i); 2001, ch. 10, § 2; 2002, ch. 213, § 6; 2003, ch. 17; 2004, ch. 377; 2005, ch. 25, § 12; ch. 463; 2007, ch. 410, § 2; ch. 619; 2008, chs. 428, 429; 2017, ch. 309.)

Effect of amendments. — Chapter 309, Acts 2017, effective October 1, 2017, reenacted the section without change.

Declaration of common law rules. — Former Art. 27, § 594B(c) (now §§ 2-202(c) and

2-208(a)(1) of this article) was declarative of common law rules long in effect in Maryland. *Richardson v. Snow*, 340 F. Supp. 1261 (D. Md. 1972).

§ 2-208.1. Authority of Montgomery County fire and explosive investigator.

(a) *“Montgomery County fire and explosive investigator” defined.* — In this section, “Montgomery County fire and explosive investigator” means an individual who:

(1) is assigned full time to the Fire and Explosive Investigations Unit of the Montgomery County Fire and Rescue Service and is a paid employee;

(2) has been employed by the Montgomery County Fire and Rescue Service as a firefighter/rescuer for at least 5 years;

(3) has successfully completed a training program from a police training school approved by the Maryland Police Training and Standards Commission established under Title 3, Subtitle 2 of the Public Safety Article; and

(4) at all times maintains active certification by the Maryland Police Training and Standards Commission.

(b) *Authority of investigator.* — Except as provided in subsection (c) of this section, a Montgomery County fire and explosive investigator has the same authority granted to the State Fire Marshal or a full-time investigative and inspection assistant of the Office of the State Fire Marshal under § 2-208 of this subtitle:

(1) while operating in Montgomery County; and

(2) while operating outside Montgomery County when:

(i) the Montgomery County fire and explosive investigator is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;

(ii) the Montgomery County fire and explosive investigator is rendering assistance to another law enforcement officer;

(iii) the Montgomery County fire and explosive investigator is acting at the request of a law enforcement officer or State law enforcement officer; or

(iv) an emergency exists.

(c) *Limitation of authority.* — The Montgomery County Fire Chief:

(1) may limit the authority of a Montgomery County fire and explosive investigator under this section; and

(2) shall express the limitation in a written policy. (2004, ch. 377; 2008, ch. 296; 2016, ch. 8, § 5; 2018, ch. 12, § 6; ch. 747.)

Effect of amendments. — Chapter 747, Acts 2018, effective October 1, 2018, substituted “Unit” for “Section,” and “and Rescue Service” for “Marshal’s Office” in (a)(1).

Editor’s note. — Pursuant to § 5, ch. 8, Acts 2016, “Police Training and Standards Commis-

sion” was substituted for “Police Training Commission” in (a)(3) and (a)(4).

Pursuant to § 6, ch. 12, Acts 2018, “Maryland” was added in (a)(3) and (a)(4).

§ 2-208.2. Authority of Anne Arundel County or City of Annapolis fire and explosive investigator.

(a) *“Anne Arundel County or City of Annapolis fire and explosive investigator” defined.* — In this section, “Anne Arundel County or City of Annapolis fire and explosive investigator” means an individual who:

(1) is assigned full time to the Fire and Explosive Investigations Section of the Anne Arundel County or City of Annapolis Fire Marshal's Office and is a paid employee;

(2) has been employed by the Anne Arundel County or City of Annapolis Fire Department as a firefighter for at least 5 years;

(3) has successfully completed a training program from a police training school approved by the Maryland Police Training and Standards Commission established under Title 3, Subtitle 2 of the Public Safety Article; and

(4) at all times maintains active certification by the Maryland Police Training and Standards Commission.

(b) *Authority of investigator.* — Except as provided in subsection (c) of this section, an Anne Arundel County or City of Annapolis fire and explosive investigator has the same authority granted to the State Fire Marshal or a full-time investigative and inspection assistant of the Office of the State Fire Marshal under § 2-208 of this subtitle:

(1) while operating in Anne Arundel County or the City of Annapolis; and

(2) while operating outside Anne Arundel County or the City of Annapolis when:

(i) the Anne Arundel County or City of Annapolis fire and explosive investigator is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;

(ii) the Anne Arundel County or City of Annapolis fire and explosive investigator is rendering assistance to another law enforcement officer;

(iii) the Anne Arundel County or City of Annapolis fire and explosive investigator is acting at the request of a law enforcement officer or State law enforcement officer; or

(iv) an emergency exists.

(c) *Limitation of authority.* — The Anne Arundel County or City of Annapolis Fire Chief:

(1) may limit the authority of an Anne Arundel County or City of Annapolis fire and explosive investigator under this section; and

(2) shall express the limitation in a written policy. (2005, ch. 463; 2008, ch. 260; 2016, ch. 8, § 5; 2018, ch. 12, § 6.)

Editor's note. — Pursuant to § 5, ch. 8, Acts 2016, "Police Training and Standards Commission" was substituted for "Police Training Commission" in (a)(3) and (a)(4).

Pursuant to § 6, ch. 12, Acts 2018, "Maryland" was added in (a)(3) and (a)(4).

§ 2-208.3. Authority of Prince George's County fire and explosive investigator.

(a) *"Prince George's County fire and explosive investigator" defined.* — In this section, "Prince George's County fire and explosive investigator" means an individual who:

(1) is assigned full time to the Fire and Explosive Investigations Section of the Prince George's County Fire/EMS Department;

(2) has attained the position of deputy fire marshal; and

(3) has successfully completed a training program from a police training school approved by the Maryland Police Training and Standards Commission established under Title 3, Subtitle 2 of the Public Safety Article.

(b) *Authority of investigator.* — Except as provided in subsection (c) of this section, a Prince George’s County fire and explosive investigator has the same authority granted to the State Fire Marshal or a full-time investigative and inspection assistant of the Office of the State Fire Marshal under § 2-208 of this subtitle:

(1) while operating in Prince George’s County; and

(2) while operating outside Prince George’s County when:

(i) the Prince George’s County fire and explosive investigator is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;

(ii) the Prince George’s County fire and explosive investigator is rendering assistance to another law enforcement officer;

(iii) the Prince George’s County fire and explosive investigator is acting at the request of a law enforcement officer or State law enforcement officer; or

(iv) an emergency exists.

(c) *Limitation of authority.* — The Prince George’s County Fire Chief:

(1) may limit the authority of a Prince George’s County fire and explosive investigator under this section; and

(2) shall express the limitation in a written policy. (2007, ch. 410, § 2; 2016, ch. 8, § 5.)

Editor’s note. — Pursuant to § 5, ch. 8, Acts 2016, “Maryland Police Training and Standards Commission” was substituted for “Maryland Police Training Commission” in (a)(3).

§ 2-208.4. Authority of Worcester County fire and explosive investigator.

(a) *“Fire and explosive investigator” defined.* — In this section, “fire and explosive investigator” means an individual who:

(1) is assigned full time to the fire and explosive investigations section of the County Fire Marshal’s Office; and

(2) (i) has the rank of deputy fire marshal or higher; and

(ii) has successfully completed a training program from a police training school approved by the Maryland Police Training and Standards Commission established under Title 3, Subtitle 2 of the Public Safety Article.

(b) *Applicability of section.* — This section applies only to Worcester County.

(c) *Authority of investigator.* — Except as provided in subsection (d) of this section, a fire and explosive investigator has the same authority granted to the State Fire Marshal or a full-time investigative and inspection assistant of the Office of the State Fire Marshal under § 2-208 of this subtitle:

(1) while operating in Worcester County; and

(2) while operating outside Worcester County when:

(i) the fire and explosive investigator is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;

(ii) the fire and explosive investigator is rendering assistance to another law enforcement officer;

(iii) the fire and explosive investigator is acting at the request of a law enforcement officer or State law enforcement officer; or

(iv) an emergency exists.

(d) *Limitation of authority.* — The County Fire Marshal:

(1) may limit the authority of a fire and explosive investigator under this section; and

(2) shall express the limitation in a written policy. (2007, ch. 619; 2016, ch. 8, § 5; 2018, ch. 12, § 6.)

Editor's note. — Pursuant to § 5, ch. 8, Acts 2016, "Police Training and Standards Commission" was substituted for "Police Training Commission" in (a)(2)(ii).

Pursuant to § 6, ch. 12, Acts 2018, "Maryland" was added in (a)(2)(ii).

§ 2-208.5. Authority of City of Hagerstown fire and explosive investigator.

(a) *"Fire and explosive investigator" defined.* — In this section, "fire and explosive investigator" means an individual who:

(1) is assigned full time to the fire and explosive investigations section of the City of Hagerstown Fire Marshal's Office and is a paid employee;

(2) has been employed by the City of Hagerstown Fire Department as a firefighter for at least 5 years;

(3) has successfully completed a training program from a police training school approved by the Maryland Police Training and Standards Commission established under Title 3, Subtitle 2 of the Public Safety Article; and

(4) at all times maintains active certification by the Maryland Police Training and Standards Commission.

(b) *Authority of investigator.* — Except as provided in subsection (c) of this section, a fire and explosive investigator has the same authority granted to the State Fire Marshal or a full-time investigative and inspection assistant of the Office of the State Fire Marshal under § 2-208 of this subtitle:

(1) while operating in the City of Hagerstown; and

(2) while operating outside the City of Hagerstown when:

(i) the fire and explosive investigator is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;

(ii) the fire and explosive investigator is rendering assistance to another law enforcement officer;

(iii) the fire and explosive investigator is acting at the request of a law enforcement officer or State law enforcement officer; or

(iv) an emergency exists.

(c) *Limitation of authority.* — The City of Hagerstown Fire Chief:

(1) may limit the authority of a fire and explosive investigator under this section; and

(2) shall express the limitation in a written policy. (2008, chs. 428, 429; 2016, ch. 8, § 5; 2018, ch. 12, § 6.)

Editor's note. — Pursuant to § 5, ch. 8, Acts 2016, “Police Training and Standards Commission” was substituted for “Police Training Commission” in (a)(3) and (a)(4).

Pursuant to § 6, ch. 12, Acts 2018, “Maryland” was added in (a)(3) and (a)(4).

§ 2-208.6. Authority of fire and explosive investigators in Howard County.

(a) *“Fire and explosive investigator” defined.* — In this section, “fire and explosive investigator” means an individual who:

(1) is assigned full-time to the Fire Investigations Division of the Howard County Fire Marshal’s Office and is a paid employee;

(2) has been employed by the Howard County Fire Department as a firefighter for at least 5 years;

(3) has successfully completed a training program from a police training school approved by the Maryland Police Training and Standards Commission established under Title 3, Subtitle 2 of the Public Safety Article; and

(4) at all times maintains active certification by the Maryland Police Training and Standards Commission.

(b) *In general.* — Except as provided in subsection (c) of this section, a fire and explosive investigator has the same authority granted to the State Fire Marshal or a full-time investigative and inspection assistant in the Office of the State Fire Marshal under § 2-208 of this subtitle:

(1) while operating in Howard County; and

(2) while operating outside Howard County when:

(i) the fire and explosive investigator is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;

(ii) the fire and explosive investigator is rendering assistance to another law enforcement officer;

(iii) the fire and explosive investigator is acting at the request of a law enforcement officer or State law enforcement officer; or

(iv) an emergency exists.

(c) *Powers of Howard County Fire Chief.* — The Howard County Fire Chief:

(1) may limit the authority of a fire and explosive investigator under this section; and

(2) shall express the limitation in a written policy. (2017, ch. 309.)

Editor's note. — Section 2, ch. 309, Acts 2017, provides that “the Maryland Police Training and Standards Commission shall certify as a police officer each Howard County fire and

explosive investigator who meets the requirements of § 2-208.6 of the Criminal Procedure Article on October 1, 2017.”

§ 2-209. Authority of certain fire investigators.

Repealed by Acts 2007, ch. 410, § 1, effective October 1, 2007.

TITLE 4.

PRETRIAL PROCEDURES.

*Subtitle 1. Charging Procedures and Documents.***§ 4-101. Charge by citation.**

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Citation” means a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

(ii) “Citation” does not include an indictment, information, or statement of charges.

(3) “Fire marshal” means:

(i) the State Fire Marshal;

(ii) a deputy State fire marshal; or

(iii) as designated under § 6-304 of the Public Safety Article:

1. an assistant State fire marshal; or

2. a special assistant State fire marshal.

(4) “Police officer” has the meaning stated in § 2-101 of this article.

(b) *Citation by United States Park Police officers.* — Within areas of the National Park System, a United States Park Police officer may exercise the authority of a police officer to issue a citation under this section.

(c) *Citation by police officer.* — (1) (i) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer shall charge by citation for:

1. any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;

2. any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less, except:

A. failure to comply with a peace order under § 3-1508 of the Courts Article;

B. failure to comply with a protective order under § 4-509 of the Family Law Article;

C. violation of a condition of pretrial or posttrial release under § 5-213.1 of this article;

D. possession of an electronic control device after conviction of a drug felony or crime of violence under § 4-109(b) of the Criminal Law Article;

E. violation of an out-of-state domestic violence order under § 4-508.1 of the Family Law Article; or

F. abuse or neglect of an animal under § 10-604 of the Criminal Law Article; or

3. possession of marijuana under § 5-601 of the Criminal Law Article.

(ii) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer may charge by citation for:

1. sale of an alcoholic beverage to an underage drinker or intoxicated person under § 6-304, § 6-307, § 6-308, or § 6-309 of the Alcoholic Beverages Article;

2. malicious destruction of property under § 6-301 of the Criminal Law Article, if the amount of damage to the property is less than \$500; or

3. misdemeanor theft under § 7-104(g)(2) of the Criminal Law Article.

(2) A police officer may charge a defendant by citation only if:

(i) the officer is satisfied with the defendant's evidence of identity;

(ii) the officer reasonably believes that the defendant will comply with the citation;

(iii) the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;

(iv) the defendant is not subject to arrest for another criminal charge arising out of the same incident; and

(v) the defendant complies with all lawful orders by the officer.

(3) A police officer who has grounds to make a warrantless arrest for an offense that may be charged by citation under this subsection may:

(i) issue a citation in lieu of making the arrest; or

(ii) make the arrest and subsequently issue a citation in lieu of continued custody.

(d) *Citation by fire marshal.* — (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

(i) discharging fireworks without a permit under § 10-104 or § 10-110 of the Public Safety Article;

(ii) possessing with intent to discharge or allowing the discharge of fireworks under § 10-104 or § 10-110 of the Public Safety Article; or

(iii) maintaining a fire hazard under § 6-317 of the Public Safety Article.

(2) A fire marshal may issue a citation if the fire marshal is satisfied with the defendant's evidence of identity and reasonably believes that the defendant will comply with the citation.

(e) *Form.* — (1) This section does not apply to a citation that is:

(i) authorized for a violation of a parking ordinance or a regulation adopted by a State unit or political subdivision of the State under Title 26, Subtitle 3 of the Transportation Article;

(ii) authorized by the Department of Natural Resources under § 1-205 of the Natural Resources Article; or

(iii) authorized by Baltimore City under § 16-16A (special enforcement officers) of the Code of Public Local Laws of Baltimore City for violation of a code, ordinance, or public local law of Baltimore City concerning building, housing, health, fire, safety, zoning, or sanitation.

(2) Except as otherwise expressly provided by law, the Chief Judge of the District Court shall prescribe a uniform, statewide form of a citation.

(3) Except for the uniform motor vehicle citation form, the law enforcement agencies of the State, the United States Park Police, and the Office of the State Fire Marshal shall reimburse the District Court for printing the citation forms that law enforcement officers and the State Fire Marshal require. (An. Code 1957, art. 27, §§ 594B-1, 594B-2(a), (b), (c), (d), (e); 2001, ch. 10, § 2; 2002, ch. 213, § 6; ch. 544; 2003, chs. 13, 17; 2004, ch. 252; 2005, ch. 21; ch. 25, § 1; 2012, ch. 504, § 2; ch. 505, § 2; 2013, ch. 386; 2016, ch. 228; 2019, chs. 45, 46.)

Cross references. — For citations for alcoholic beverage violations, see § 10-119 of the Criminal Law Article.

Effect of amendments. — Chapter 228, Acts 2016, effective July 1, 2016, substituted “§ 6-304, § 6-307, § 6-308, or § 6-309 of the Alcoholic Beverages Article” for “Article 2B, § 12-108 of the Code” in (c)(1)(ii)1.

Chapters 45 and 46, Acts 2019, effective October 1, 2019, made identical changes. Each

reenacted (a)(1), (a)(2), and (a)(4) without change; and deleted “while charged with a sexual crime against a minor” after “posttrial release” in (c)(1)(i)2C.

Applied in *Brown v. Handgun Permit Review Bd.*, 188 Md. App. 455, 982 A.2d 830 (2009), cert. denied, 412 Md. 495, 988 A.2d 1008 (2010).

TITLE 13.

OTHER FORFEITURES.

Subtitle 3. Violations of Explosives Laws.

§ 13-301. Forfeiture for violation of explosives laws.

(a) *Scope of section.* — This section does not apply to a vehicle unless the owner authorized or allowed the vehicle to be used or employed in concealing, conveying, or transporting explosives during the course of a violation of Title 11, Subtitle 1 of the Public Safety Article.

(b) *In general.* — In addition to any other penalty provided for a violation of Title 11, Subtitle 1 of the Public Safety Article, if a person on whom a penalty is imposed under § 11-116 of the Public Safety Article uses or employs a motor vehicle, other vehicle, vessel, or aircraft in concealing, conveying, or transporting explosives during the course of a violation of Title 11, Subtitle 1 of the Public Safety Article, the court on conviction of the person shall order the motor vehicle, other vehicle, vessel, or aircraft to be forfeited to the State or a county, based on which jurisdiction initiated the investigation.

(c) *Security interests.* — If a court orders forfeiture under subsection (b) of this section, the interest transferred to the State or county is subordinate to the holder of a perfected security interest in the motor vehicle, other vehicle, vessel, or aircraft.

(d) *Disposition of forfeited property.* — (1) After discharging any perfected security interest in a forfeited motor vehicle, other vehicle, vessel, or aircraft, the Secretary of State Police or the local governing body of a county may:

(i) use the forfeited motor vehicle, other vehicle, vessel, or aircraft for public purposes; or

CP, § 13-301

FIRE LAWS OF MARYLAND

(ii) sell, exchange, or convey the forfeited motor vehicle, other vehicle, vessel, or aircraft.

(2) Any money received from the sale, exchange, or conveyance shall be deposited in the General Fund of the State or county. (2003, ch. 5, § 3; 2005, ch. 25, § 13.)

EDUCATION.

DIVISION II.

ELEMENTARY AND SECONDARY EDUCATION.

Title 7.

Public Schools.

Subtitle 4. Health and Safety of Students.

Sec.

- 7-408. Fire drills.
- 7-408.1. Fire drills in nonpublic schools.
- 7-425. Automated external defibrillator programs.

DIVISION III.

HIGHER EDUCATION.

Title 11.

Maryland Higher Education Commission.

Subtitle 5. Maryland Fire-Rescue Education and Training Commission.

- 11-501. Definitions.
 - (a) In general.
 - (b) Commission.
 - (c) Emergency services.
 - (d) Schools.
- 11-502. Established; members; officers; meetings.
- 11-503. Duties; staff services.

Title 13.

University of Maryland — General Provisions.

Subtitle 1. Branches, Commissions, and Institutes.

- 13-103. Fire and Rescue Institute.
- Subtitle 3. University of Maryland Medical System.*
- 13-302. Legislative findings and declaration of purpose.
- 13-304. Medical System Corporation — Board of Directors.

Subtitle 5. Emergency Medical Services.

- 13-501. Definitions.
 - (a) In general.
 - (b) Advisory Council.
 - (c) Board of Directors.
 - (d) Board of Regents.
 - (e) Center.
 - (f) EMS Board.
 - (g) Institute.
 - (h) Medical System Corporation.
 - (i) Study Center.

Sec.

- (j) University.
- 13-502. Legislative findings.
- 13-503. Maryland Institute for Emergency Medical Services Systems — In general.
- 13-504. Maryland Institute for Emergency Medical Services Systems — Administrative agency.
- 13-505. EMS Board — In general.
- 13-506. EMS Board — Executive Director.
- 13-507. EMS Board — Transaction of business.
- 13-508. EMS Board — Additional powers and duties.
- 13-509. Emergency Medical System plan.
- 13-510. Responsibilities of Executive Director.
- 13-511. Emergency Medical Services Advisory Council.
- 13-512. Power of Board of Regents.
- 13-513. Charles McC. Mathias, Jr. National Study Center for Trauma and Emergency Medical Systems.
- 13-514. R Adams Cowley Shock Trauma Center.
- 13-515. Ambulance services.
- 13-516. Emergency medical services; Board; license or certificate.
- 13-517. Automated External Defibrillator Program.

Title 18.

Student Financial Assistance.

Subtitle 1. General Provisions.

- 18-101. Definitions.
 - (a) In general.
 - (b) Commission.
 - (c) Office.
 - (d) Secretary.
- 18-103. Eligible institutions.

Subtitle 6. Scholarships for Military and Public Safety Personnel and Their Dependents and the Dependents of Certain School Employees.

- 18-601. Scholarships for children, stepchildren, or surviving spouse of prisoners of war, persons missing in action, certain veterans, 9/11 victims, or public safety employees.
- 18-602. Scholarships for children of firemen or rescue squadmen killed or disabled in line of duty.
- 18-603. [Repealed].
- 18-603.1. Scholarship for firefighters and ambulance and rescue squad members.
- 18-604. Veterans of the Afghanistan and Iraq Conflicts Scholarship and Fund.

Sec.

18-605. Richard W. Collins III Leadership
With Honor Scholarship Program.

DIVISION IV.

OTHER EDUCATION PROVISIONS.

Title 26.

Prohibitions and Penalties.

Subtitle 1. School Security.

26-104. Obstruction, hindrance, or interference with school bus driver during official duties.

DIVISION II.

ELEMENTARY AND SECONDARY EDUCATION.

TITLE 7.

PUBLIC SCHOOLS.

Subtitle 4. Health and Safety of Students.

§ 7-408. Fire drills.

(a) *Required.* — The State Superintendent shall require each county superintendent to hold a fire drill in each public school in accordance with the State Fire Prevention Code established under § 6-206 of the Public Safety Article.

(b) *Records to be kept.* — Each public school shall:

(1) Keep records of these fire drills; and

(2) Send a copy to the county superintendent. (An. Code 1957, art. 77, § 91; 1978, ch. 22, § 2; 1996, ch. 10, § 16; 2017, chs. 175, 176.)

Effect of amendments. — Chapters 175 and 176, Acts 2017, effective October 1, 2017, made identical changes. Each substituted “in accordance with the State Fire Prevention Code established under § 6-206 of the Public Safety Article” for “at least 10 times each school year and at least once every 60 days” in (a).

§ 7-408.1. Fire drills in nonpublic schools.

(a) *Required.* — Each nonpublic school in the State shall hold fire drills in accordance with the State Fire Prevention Code established under § 6-206 of the Public Safety Article.

(b) *Records.* — Each nonpublic school shall:

(1) Keep records of these fire drills; and

(2) Send a copy of the records to the State Board. (2019, ch. 430.)

Editor’s note. — Section 2, ch. 430, Acts 2019, provides that the act shall take effect July 1, 2019.

§ 7-425. Automated external defibrillator programs.

(a) *In general.* — (1) Each county board shall develop and implement an automated external defibrillator program that meets the requirements of § 13-517 of this article for each high school and middle school in the county.

(2) The program required under paragraph (1) of this subsection shall include provisions that:

(i) Ensure that an automated external defibrillator is provided on site; and

(ii) An individual trained in the operation and use of an automated external defibrillator is present at all school-sponsored athletic events.

(b) *Regulations.* — The Department, in consultation with the Maryland Department of Health, the Maryland State School Health Council, and the Maryland Institute for Emergency Medical Services Systems, shall adopt regulations that:

(1) Establish guidelines for periodic inspections and annual maintenance of the automated external defibrillators; and

(2) Assist county boards in carrying out the provisions of this section. (2006, ch. 203; 2008, ch. 36, § 6; 2014, ch. 616; 2017, ch. 214, § 7.)

Editor's note. — Pursuant to § 7, ch. 214, Acts 2017, “Maryland Department of Health” was substituted for “Department of Health and Mental Hygiene” in the introductory language of (b).

DIVISION III.

HIGHER EDUCATION.

TITLE 11.

MARYLAND HIGHER EDUCATION COMMISSION.

Subtitle 5. Maryland Fire-Rescue Education and Training Commission.

§ 11-501. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Commission.* — “Commission” means the Maryland Fire-Rescue Education and Training Commission.

(c) *Emergency services.* — “Emergency services” means fire, rescue, and ambulance services.

(d) *Schools.* — “Schools” means the Maryland Fire and Rescue Institute, any emergency services training academy operated by any city, county, or municipal government, any community college offering emergency services education and training courses, any public school offering emergency services education and training courses, and any private or governmental institution or body providing emergency services education and training courses. (ED § 12-113; 1988, ch. 246, § 2; 2009, ch. 60.)

§ 11-502. Established; members; officers; meetings.

(a) *Established.* — There is a Maryland Fire-Rescue Education and Training Commission in the Maryland Higher Education Commission.

(b) *Members.* — (1) The Commission consists of 13 members appointed by the Governor with the advice and consent of the Senate. Of the members:

(i) Each shall be qualified to deal with the matters within the authority of the Commission;

(ii) Six shall be volunteer emergency services personnel or instructors;

(iii) Three shall be emergency services instructors who are career personnel representing the academies;

(iv) Three shall be career emergency services personnel who are not instructors; and

(v) One shall be a member of the general public.

(2) Each member serves for a term of 4 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on July 1, 1978.

(3) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(4) A member may be removed by the Governor:

(i) For neglect of duty; or

(ii) If the Governor believes the member's continued membership is not in the public interest.

(5) Each member of the Commission:

(i) Serves without compensation; but

(ii) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(c) *Officers; meetings.* — (1) The Governor shall designate one of the members of the Commission as the chairman of the Commission. The chairman serves at the pleasure of the Governor.

(2) Each year, the Commission shall elect a vice chairman and any other officer it requires.

(3) The Commission:

(i) Shall meet at least once every 2 months;

(ii) May meet at any other time the chairman designates; and

(iii) May adopt rules for the conduct of its meetings.

(4) A quorum consists of 7 members, one of whom shall be the chairman or vice chairman. (ED § 12-113; 1988, ch. 246, § 2; 1994, ch. 3, § 5; 2003, ch. 21, § 7; 2009, ch. 60.)

§ 11-503. Duties; staff services.

(a) *Duties.* — Subject to the authority of the Secretary, the Commission shall:

(1) Keep minutes of its meetings and any other records it considers necessary;

(2) Cooperate with and assist schools in coordinating and improving all emergency services education and training activities;

(3) Cooperate with the University of Maryland in developing a program for accrediting emergency services instructors;

(4) Consult with emergency services instructors and personnel to develop minimum uniform education and training standards for emergency services instructors, personnel, and schools;

(5) Cooperate with schools to help standardize course content and reciprocity of college credits for emergency services education and training;

(6) Cooperate with appropriate government agencies to develop and maintain a current master plan for emergency services education and training;

(7) Cooperate with the Maryland Fire and Rescue Institute to develop and operate a system for collecting, analyzing, and exchanging information on emergency services education and training;

(8) Encourage, promote, and review new techniques, methods, and procedures for emergency services;

(9) Cooperate with and review material from other states and federal agencies on emergency services education and training;

(10) Recommend to the Secretary rules and regulations necessary or appropriate to accomplish the purposes and objectives of the Commission;

(11) Review any proposed or adopted national standards or certification programs for emergency services and recommend to the Secretary the actions that should be taken regarding them;

(12) Prepare an annual report on the activities of the Commission to the Secretary, the Governor, and, subject to § 2-1257 of the State Government Article, the General Assembly; and

(13) Provide a place of storage for the records of the Commission and the original Governor's Commission on Fire Services.

(b) *Staff services.* — The Maryland Higher Education Commission shall provide staff services for the Commission. (ED § 12-113; 1988, ch. 246, § 2; 1997, ch. 635, § 9; ch. 636, § 9; 2019, ch. 510, § 4; ch. 511, § 4.)

Editor's note. — Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this

section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

TITLE 13.

UNIVERSITY OF MARYLAND — GENERAL PROVISIONS.

Subtitle 1. Branches, Commissions, and Institutes.

§ 13-103. Fire and Rescue Institute.

(a) *Established.* — There is a Maryland Fire and Rescue Institute in the University of Maryland.

(b) *Director.* — (1) The head of the Institute is the Director.

(2) The Director:

(i) Shall report directly to the President of the University of Maryland, College Park Campus; and

(ii) May adopt rules and regulations necessary to carry out this section.

(c) *Duties of Institute.* — The Institute shall:

- (1) Provide classroom education and training for career and volunteer fire and rescue personnel, both at the Institute and throughout this State;
- (2) Cooperate with other agencies that provide training for fire and rescue personnel;
- (3) Train instructors;
- (4) Prepare or adopt materials for training fire and rescue personnel;
- (5) Develop new fire and rescue training techniques;
- (6) Develop and implement specialized courses in fire fighting, including industrial fire fighting;
- (7) Maintain statistics and records on fire and rescue education, training, and related matters;
- (8) Develop programs to inform the public about the tasks performed by fire and rescue personnel;
- (9) Establish guidelines for instructional material to school systems in the State concerning fire and rescue education;
- (10) Provide disaster training for fire and rescue personnel; and
- (11) Cooperate with the Maryland Institute for Emergency Medical Services Systems to provide basic training for rescue personnel and emergency medical technicians.

(d) *Funding.* — The Institute shall have the funds provided in the State budget. (An. Code 1957, art. 77A, §§ 27AG-27AL; 1978, ch. 22, § 2; ch. 607; 1988, ch. 246, § 2; 1989, ch. 5, § 1; 1996, ch. 10, § 16; 1997, ch. 114, § 1; 2016, ch. 25, § 2.)

Effect of amendments. — Section 2, ch. 25, Acts 2016, effective October 1, 2016, enacted pursuant to Article II, § 17(b) of the Maryland Constitution without the Governor's signature,

reenacted (a) without change and in (b)(2)(i) added "Campus."

Stated in *Goldstein v. Chestnut Ridge Volunteer Fire Co.*, 984 F. Supp. 367 (D. Md. 1997).

Subtitle 3. University of Maryland Medical System.

§ 13-302. Legislative findings and declaration of purpose.

It is hereby found and determined that:

- (1) The purposes of the medical system are to provide medical care of the type unique to University medical facilities for the citizens of the State and region and, in accomplishing this objective, to provide a clinical context for education and research conducted by the faculty of the University;
- (2) The purposes extend to all citizens of the State, particularly regarding health care needs which only an academic medical institution can adequately meet such as extensive tertiary care, major shock trauma treatment, and sophisticated surgical techniques;
- (3) The purposes also include rendering comprehensive health care to the community naturally served by University Hospital to assure its availability to citizens of that community;
- (4) These purposes separately and collectively serve the highest public interest and are essential to the public health and welfare, but must be

realized in the most efficient manner and at the lowest cost practicable and consistent with these purposes;

(5) It has proven unnecessarily costly and administratively cumbersome for the University to finance, manage, and carry out the patient care activities of an academic institution within the existing framework of a State agency, since many applicable laws, management structures, and procedures were developed to implement types of governmental functions which differ from the operations of a major patient care facility in an environment of State and federal regulation; such patient care operations are more efficiently served by contemporary legal, management, and procedural structures utilized by similarly situated, private entities throughout the nation;

(6) It is fiscally desirable for the State of Maryland to separate the operations, revenues, and obligations of the medical system from the State to the end that, to the maximum extent practicable, the medical system be a self-supporting entity to which the State may make grants or with which the State may contract as may be deemed appropriate from time to time; this separation will segregate patient care costs and revenues from unrelated State activities;

(7) The interests of the citizens of the State, the region, and the community naturally served by University Hospital will be best met by granting and transferring State assets and liabilities related to the medical system to a private, nonprofit, nonstock corporation in order to create a separate legal and organizational structure for the medical system to provide independence and flexibility of management and funding, while assuring a compatible and mutually beneficial relationship with the University;

(8) In order to maintain the highest quality patient care with the maximum efficiency practicable, the R Adams Cowley Shock Trauma Center will be part of the medical system and will be governed by the Board of Directors; and

(9) It is the intent of the General Assembly that:

(i) Employees of the Medical System Corporation and any subsidiary of the Medical System Corporation who are not medical system University personnel enjoy the rights and protections associated with full freedom of association and collective bargaining afforded to similarly situated citizens of the State; and

(ii) Each subsidiary established by the Medical System Corporation under § 13-303(k) of this subtitle, including a subsidiary established for the purpose of operating all or a part of the University of Maryland Medical Center, falls within the jurisdiction of the National Labor Relations Board, and the employees of the subsidiary are subject to the benefits and protections of the National Labor Relations Act. (1984, ch. 288; 1993, ch. 592; 1996, ch. 10, § 16; 2014, ch. 45, § 5; chs. 375, 376.)

General Assembly has authority to subject University of Maryland Medical Center to State collective bargaining law, although it currently is not included. — The University of Maryland Medical Center (“Medical Center”) is exempt from the NLRA and is

not currently included within the scope of Maryland’s collective bargaining law, which grants protections similar to those in the NLRA to specific classes of State employees. However, because the Medical Center is a State entity for at least some purposes and remains a creature

of statute within the ultimate control of the State, the General Assembly has the authority to enact legislation that would subject the Medical Center to Maryland's collective bargaining law. 98 Op. Att'y Gen. 114 (November 21, 2013).

Cited in *Napata v. Univ. of Md. Med. Sys. Corp.*, 417 Md. 724, 12 A.3d 144 (2011).

§ 13-304. Medical System Corporation — Board of Directors.

(a) *Government of Corporation.* — The government of the Medical System Corporation is vested in the Board of Directors.

(b) *Composition.* — (1) Subject to paragraphs (2) and (3) of this subsection, the Board of Directors consists of 6 nonvoting members and not less than 22 and not more than 25 voting members appointed by the Governor with the advice and consent of the Senate.

(2) (i) On or after October 1, 2014, the Medical System Corporation may amend its articles of incorporation to add up to three voting members to the Board of Directors as the Medical System Corporation determines to be necessary and appropriate.

(ii) Nominations of additional voting members shall be made by the Board of Directors and submitted to the Board of Regents for comment and to the Governor for consideration.

(iii) Any member added to the Board of Directors under subparagraph (i) of this paragraph shall:

1. Represent an entity that affiliates with the Medical System Corporation on or after October 1, 2014;

2. Be appointed by the Governor with the advice and consent of the Senate; and

3. Be designated as an affiliate board member.

(iv) Nothing in this paragraph may be construed to require the Medical System Corporation to nominate a representative of an entity that affiliates with the Medical System Corporation on or after October 1, 2014, to be an additional board member.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, for each hospital that affiliates with the medical system on or after June 1, 2019, the Governor may appoint an additional voting member who is a representative from the hospital.

(c) *Qualifications.* — (1) Each member shall be a resident of this State.

(2) A member of the Board may not be a State or local elected official.

(3) Three voting members shall be members of the Board of Regents.

(4) One voting member shall be the Governor's designee.

(5) Two voting members shall be appointed as follows:

(i) One appointed by the President of the Senate of Maryland; and

(ii) One appointed by the Speaker of the House of Delegates.

(6) At least 1 voting member of the Board shall be appointed by the Governor, upon nomination by the membership of the Community Advisory Council, from the membership of the Community Advisory Council.

(7) At least 1 voting member of the Board of Directors shall have expertise in the hospital field.

(8) In appointing the voting members of the Board of Directors, the Governor shall ensure that the composition of the Board fairly represents the minority composition of the State.

(9) The nonvoting members shall be, ex officio, the Chancellor of the University System of Maryland, the President, the Chief Executive Officer, the Dean of the School of Medicine, the President of the medical staff organization of the medical system, and the Associate Director of nursing services for the medical system.

(d) *Terms of members — In general.* — (1) The term of a member is 5 years and begins on the 1st Monday in June of the year of appointment.

(2) The terms of members are staggered as required by the terms provided for members of the Board on the transfer date.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(5) A member may be reappointed, but may not serve more than 2 consecutive full terms.

(e) *Terms of members — Terms subsequent to initial terms.* — For terms subsequent to initial terms, nominations of members will be made by the Board of Directors and submitted to the Board of Regents for comment and to the Governor for consideration.

(f) *Bylaws.* — The Board of Directors may adopt and amend bylaws.

(g) *Meetings.* — (1) The Board of Directors shall determine the time and place of its meetings and may adopt rules for the conduct of its meetings.

(2) Eleven voting directors constitute a quorum for transacting business at any meeting, and action by a majority of voting directors present at a meeting shall be the act of the Board unless the bylaws require a greater number.

(h) *Officers.* — Each year, the Board of Directors shall elect from among its members:

(1) A Chairman; and

(2) Any other officer it requires.

(i) *Chief Executive Officer.* — The Board of Directors shall elect a Chief Executive Officer who shall also be appointed by the Board of Regents as Vice President of the University of Maryland Medical System, and who shall begin service in this joint office after the appointment is approved by both boards. The Chief Executive Officer shall serve at the pleasure of the Board of Directors. In the event of a vacancy of the Chief Executive Officer, nominees will be selected by a process to be determined jointly by the Board of Regents and the Board of Directors.

(j) *Compensation.* — Each member of the Board:

(1) Serves without compensation; and

(2) Is entitled to reimbursement for expenses as provided by the Board of Directors.

(k) *Use of prestige of office or position for private gain prohibited.* — A member of the Board may not intentionally use the prestige of office or public position for that member's private gain or that of another.

(1) *Required disclosures.* — (1) (i) Except as provided in subparagraph (iii) of this paragraph, each member annually shall submit a disclosure of financial interest, including any potential conflicts of interest, to the State Health Services Cost Review Commission.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the State Health Services Cost Review Commission shall make freely available to the public on its website, through an online registration program, the statement submitted under subparagraph (i) of this paragraph.

2. The State Health Services Cost Review Commission may not provide public access to the portion of the statement that includes an address that the member has identified as the member's home address.

(iii) A newly appointed member shall submit a disclosure of financial interest within 60 days after the member's appointment to the Board.

(2) If the Governor determines that a member has willfully filed a false statement under paragraph (1)(i) of this subsection, the Governor shall remove the member from the Board.

(3) The Board of Directors and the compliance officer for the Medical System Corporation shall review each statement submitted under paragraph (1) of this subsection for compliance with the Board's conflict of interest policy.

(4) The State Health Services Cost Review Commission annually shall send a summary of each statement submitted under paragraph (1) of this subsection to the Governor, the President of the Senate, and the Speaker of the House.

(m) *Use of sole source procurement in awarding contracts and preferences to Board members or their affiliates prohibited.* — (1) The Medical System Corporation may not use sole source procurement to award a contract to an active member of the Board of Directors or a business entity that employs or has an affiliation with an active member.

(2) The Governor shall remove a member from the Board of Directors who has benefited from a sole source procurement.

(3) The Medical System Corporation may not provide a preference for the award of a contract to an active member of the Board of Directors or a business entity that employs or has an affiliation with an active member.

(n) *Limitations and requirements for award of contract or making payment to member of Board.* — (1) The award of a contract or the making of a payment to a member of the Board of Directors or an associated business of a member shall be subject to the approval of the full Board of Directors.

(2) Before the Medical System Corporation awards a contract or makes a payment to a member of the Board of Directors, the compliance officer shall:

(i) Review the contract or payment and advise the member of the Board of Directors as to whether the contract or payment is appropriate and consistent with the policies of the Medical System Corporation; and

(ii) Make a recommendation to the Board of Directors as to whether the contract or payment should be approved or disapproved by the Board.

(o) *Development of policy governing contracts with and payments to Board members; reports.* — (1) The Board of Directors shall develop a policy governing contracts with and payments to a member of the Board of Directors or

members of the board of directors of hospitals affiliated with the Medical System Corporation by:

- (i) The Medical System Corporation; or
- (ii) The affiliated hospital.

(2) On or before December 1 each year, the Board of Directors shall submit a report to the Governor and, in accordance with § 2-1257 of the State Government Article, the President of the Senate, the Speaker of the House, the Joint Audit and Evaluation Committee, the Senate Finance Committee, and the House Health and Government Operations Committee on:

- (i) The policy adopted under paragraph (1) of this subsection; and
- (ii) How the Board of Directors has ensured compliance with the policy by the affiliated hospitals and the members of the board of directors of the affiliated hospitals.

(p) *Community Advisory Council.* — The Chairman of the Board of Directors shall appoint representatives from the community naturally served by the medical system having interest in the services of the medical system to 3-year terms as members of a Community Advisory Council. The Board of Directors shall designate at least one of its members to meet with the Community Advisory Council and advise the Community Advisory Council of matters of potential interest. Recommendations of this Community Advisory Council concerning services offered by the Medical System Corporation and its community relationships shall be considered by the Board of Directors. (1984, ch. 288; 1988, ch. 246, § 2; 1993, ch. 592; 1994, ch. 4, § 1; 1996, ch. 10, § 16; ch. 389; 1997, ch. 114, § 1; 2001, ch. 29, § 6; 2007, ch. 361; 2014, chs. 375, 376; 2019, chs. 8, 18, 19; ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Chapter 8, Acts 2019, effective March 27, 2019, enacted pursuant to art. II, § 17(b) of the Maryland Constitution without the Governor’s signature, substituted “ensure” for “insure” in (c)(8).

Chapters 18 and 19, Acts 2019, approved April 18, 2019, and effective from date of enactment, made identical amendments. Each reenacted (a) and (d) without change; in (b)(1) substituted “paragraphs (2) and (3)” for “paragraph (2)” and “25 voting members” for “27 voting members” and added “with the advice and consent of the Senate”; in (b)(2)(iii)2 added “with the advice and consent of the Senate”; deleted (b)(2)(iv) and added (b)(3), (c)(2), (c)(4), (c)(5), and (k) through (o) and redesignated accordingly.

Editor’s note. — Pursuant to § 13-301(t) of this subtitle, the “transfer date,” referred to in (d), has been determined by the Board of Public Works to be July 1, 1984.

Section 3, ch. 8, Acts 2019, enacted pursuant to art. II, § 17(b) of the Maryland Constitution without the Governor’s signature, provides that “the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts

were signed by the Governor prior to or after the signing of this Act.”

Section 3, chs. 18 and 19, Acts 2019, provides that:

“(a) The Office of Legislative Audits shall conduct a forensic audit of the University of Maryland Medical System Corporation for the calendar years 2016 through the effective date of this Act or earlier as deemed appropriate by the Office of Legislative Audits that:

“(1) identifies all of the members of the Board of Directors of the Medical System Corporation and each member’s associated businesses;

“(2) obtains all disbursement records from the Medical System Corporation;

“(3) identifies all contracts with or payments to the members of the Board of Directors and a member’s associated businesses;

“(4) identifies the basis for the procurement and the Medical System Corporation official and department that initiated and approved the payment;

“(5) identifies the procurement method used and tests for propriety of the procurement, including whether it was conducted in accordance with a formal Medical System Corporation policy and whether the full Board of Directors approved the contract or payment;

“(6) evaluate whether all proper steps were taken and, if a payment or contract was sole source, whether the rationale was documented and supportable; and

“(7) evaluate whether the contract or payment made to a member of the Board of Directors or the member’s associated business was monitored effectively to ensure that all deliverables paid for were provided.

“(b)(1) On or before December 15, 2019, the Office of Legislative Audits shall report to the Governor and, in accordance with § 2-1246 [2-1257] of the State Government Article, the President of the Senate, the Speaker of the House, the Joint Audit [and Evaluation] Committee, the Senate Finance Committee, and the House Health and Government Operations Committee on the findings of the forensic audit conducted under this section.

“(2) The report required under paragraph (1) of this subsection shall include any recommendations by the Office of Legislative Audits regarding how best to evaluate the procurement and contracting processes and any contracts with and payments to University of Maryland Medical System affiliated hospitals and members of the Board of Directors of the Medical System Corporation or the members of the boards of directors of the affiliated hospitals.”

Section 4, chs. 18 and 19, Acts 2019, provides that:

“(a) The Board of Directors of the University of Maryland Medical System Corporation shall:

“(1) conduct an internal review of the Board’s policies and procedures, including policies for enforcing statutory limits on consecutive terms of appointment for members and continued service after the expiration of a member’s term; and

“(2) on or before December 31, 2019, report the findings and any recommendations for improvements to the policies and procedures of the Board to the Governor and, in accordance with § 2-1246 [2-1257] of the State Government Article, the President of the Senate, the Speaker of the House, and the Office of Legislative Audits.

“(b) The Office of Legislative Audits shall review and comment on the report submitted under subsection (a) of this section to the Joint Audit [and Evaluation] Committee, the Senate Finance Committee, and the House Health and Government Operations Committee.”

Section 5, chs. 18 and 19, Acts 2019, provides that:

“(a) The appointment of the members of the Board of Directors of the University of Maryland Medical System Corporation who are in office on the effective date of this Act shall end as follows:

“(1) the appointment of approximately one-third of the members of the Board shall end on July 1, 2019;

“(2) the appointment of approximately one-third of the members of the Board shall end on October 1, 2019; and

“(3) the appointment of the remaining members of the Board shall end on January 1, 2020.

“(b)(1) Subject to the provisions of § 13-301 of the Education Article, as enacted by Section 1 of this Act, a member of the Board whose appointment ends under subsection (a) of this section may apply for reappointment.

“(2) The appointment of a member under paragraph (1) of this subsection who is appointed by the Governor is subject to the advice and consent of the Senate during the legislative session immediately following the date of appointment.

“(3) A member reappointed under this subsection shall be considered appointed on the date of the member’s initial appointment and is subject to the requirements of § 13-304(d) of the Education Article.

“(4) A new member appointed under this subsection shall be considered appointed to fill a vacancy and shall serve for the remainder of the term of the member who was not reappointed under this subsection.”

Section 6, chs. 18 and 19, Acts 2019, provides that “the terms of the members appointed to the Board of Directors of the University of Maryland Medical System Corporation under § 13-304(c)(4) and (5) of the Education Article as enacted by Section 1 of this Act:

“(1) shall be for a term of 5 years from the date of appointment; and

“(2) may be reappointed but may not serve more than two consecutive 5-year terms.”

Chapters 8, 18, and 19, Acts 2019, amended (c). None of the chapters referred to the others, and effect has been given to all. The amendment to (c)(6) by ch. 8 appears in (c)(8), as redesignated by chs. 18 and 19, which made an identical amendment.

Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

Section 4, chs. 510 and 511, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction that is made in an editor’s note following the section affected.” Pursuant to § 4, chs. 510 and 511, Acts 2019, “Joint Audit and Evaluation Committee” was substituted for “Joint Audit Committee” in (o)(2).

State's role in government of UMMS and relationship to University. — Although it established the University of Maryland Medical Center (UMMS) as an ostensibly private corporation, the General Assembly ensured that the State would continue to play a prominent role in the System's governance in that it required that UMMS's articles of incorporation and the initial transfer of assets from the State be approved by the Board of Public Works, the voting members of the Board are Governor's appointees, and there is continuing operational

coordination between UMMS and the University; in addition, it is required to continue as teaching hospital for the University and to enter annual contracts with the University with limited authority to establish nonprofit or for-profit subsidiaries. 98 Op. Att'y Gen. 114 (November 21, 2013).

Stated in *State v. Falcon*, 451 Md. 138, 152 A.3d 687 (2017).

Cited in *Napata v. Univ. of Md. Med. Sys. Corp.*, 417 Md. 724, 12 A.3d 144 (2011).

Subtitle 5. Emergency Medical Services.

§ 13-501. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Advisory Council.* — “Advisory Council” means the Advisory Council to the State Emergency Medical Services Board.

(c) *Board of Directors.* — “Board of Directors” means the Board of Directors of the Medical System Corporation.

(d) *Board of Regents.* — “Board of Regents” means the Board of Regents of the University System of Maryland.

(e) *Center.* — “Center” means the R Adams Cowley Shock Trauma Center.

(f) *EMS Board.* — “EMS Board” means the State Emergency Medical Services Board.

(g) *Institute.* — “Institute” means the Maryland Institute for Emergency Medical Services Systems.

(h) *Medical System Corporation.* — “Medical System Corporation” means the University of Maryland Medical System Corporation.

(i) *Study Center.* — “Study Center” means the Charles McC. Mathias, Jr. National Study Center for Trauma and Emergency Medical Systems.

(j) *University.* — “University” means the University of Maryland, Baltimore Campus. (1993, ch. 592; 1996, ch. 10, § 16; 1997, ch. 114, § 1; 1999, ch. 167; 2008, ch. 593; 2013, ch. 154, § 2; ch. 155, § 2; 2016, ch. 25, § 2.)

Effect of amendments. — Section 2, ch. 25, Acts 2016, effective October 1, 2016, enacted pursuant to Article II, § 17(b) of the Maryland

Constitution without the Governor's signature, added “Campus” in (j).

§ 13-502. Legislative findings.

It is hereby found and determined that:

(1) The State of Maryland has been a national pioneer in the development of emergency medical services;

(2) The Emergency Medical System has served the citizens of Maryland well for the past two decades by reducing morbidity and mortality for thousands of seriously ill patients;

(3) The success of Maryland's Emergency Medical System is due largely to the hard work and dedication of many individuals, particularly the thousands

of career and volunteer firefighters, emergency medical technicians, and rescue squad personnel;

(4) The citizens of Maryland are fortunate to have highly trained career and volunteer firefighters, emergency medical technicians, and rescue squad personnel providing life-sustaining services in the field to ill and injured persons;

(5) The numbers of volunteer firefighters, emergency medical technicians, and rescue squad personnel have been declining but are an essential and integral part of the State's Emergency Medical System and it is important that their role is preserved;

(6) The Emergency Medical System is a large and complex entity involving numerous public and private interests and requiring close coordination to operate efficiently and in the best interests of all Marylanders;

(7) The R Adams Cowley Shock Trauma Center is the core element of the State's Emergency Medical System and shall continue to serve as the State's primary adult trauma clinical resource center;

(8) The Emergency Medical System could be further enhanced by establishing a governing body that is accountable for and vested with the responsibility and authority to ensure the effective and efficient operation of the System; and

(9) The Emergency Medical Services Field Operations of the Institute and the R Adams Cowley Shock Trauma Center shall remain an integral part of the overall Emergency Medical Services System. (1993, ch. 592; 1996, ch. 10, § 16; 2006, ch. 44, § 6.)

§ 13-503. Maryland Institute for Emergency Medical Services Systems — In general.

(a) *Established.* — There is a Maryland Institute for Emergency Medical Services Systems.

(b) *Independent agency.* — The Institute is an independent agency located at the University of Maryland, Baltimore Campus.

(c) *Government of Institute.* — The Institute shall be governed by the State Emergency Medical Services Board.

(d) *Funding.* — Funding for the Institute shall be from:

- (1) The surcharge imposed under § 13-954 of the Transportation Article;
- (2) General funds; and

(3) Funds from any other source. (1993, ch. 592; 1996, ch. 10, § 16; 1997, ch. 114, § 1; 2016, ch. 25, § 2; 2018, chs. 203, 204.)

Effect of amendments. — Section 2, ch. 25, Acts 2016, effective October 1, 2016, enacted pursuant to Article II, § 17(b) of the Maryland Constitution without the Governor's signature, added "Campus" in (b).

Chapters 203 and 204, Acts 2018, effective October 1, 2018, made identical changes. Each reenacted the section without change.

Stated in *Imperial v. Drapeau*, 351 Md. 38, 716 A.2d 244 (1998).

§ 13-504. Maryland Institute for Emergency Medical Services Systems — Administrative agency.

(a) *In general.* — In accordance with this subtitle, the Institute shall be the State administrative agency responsible for the coordination of all emergency medical services.

(b) *Emergency Medical Services Field Operations included.* — The Institute includes the Emergency Medical Services Field Operations.

(c) *Staff; funds.* — The Institute shall have the staff and funds as provided in the State budget. (1993, ch. 592; 1996, ch. 10, § 16.)

§ 13-505. EMS Board — In general.

(a) *Composition.* — (1) The EMS Board consists of 11 members appointed by the Governor.

(2) Of the 11 members:

- (i) One shall be the Secretary of Health or the Secretary's designee;
- (ii) One shall be a representative of the University of Maryland, Baltimore Campus, nominated by the Board of Regents;
- (iii) One shall be the chairperson of the Advisory Council;
- (iv) One shall be a physician knowledgeable in the delivery of emergency medical services;
- (v) One shall be a physician experienced in the clinical care of trauma patients;
- (vi) One shall be a nurse experienced in the clinical care of emergency patients;
- (vii) One shall be a career firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;
- (viii) One shall be a volunteer firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;
- (ix) One shall be a hospital administrator knowledgeable in the management and delivery of emergency medical services; and
- (x) Two shall be from the public at large, one of whom shall reside in a county with a population of less than 175,000.

(b) *Appointment considerations; limitations.* — (1) Each appointed member shall have demonstrated interest or experience in the delivery of emergency medical services.

(2) In appointing members to the EMS Board, the Governor shall take into consideration the five emergency medical service regions of the State to assure a geographic balance in the Board's membership.

(3) In appointing members to the EMS Board, the Governor shall take into consideration persons:

- (i) Recommended by the Advisory Council; or
- (ii) Recommended by any statewide organization or association which is interested and involved in the delivery of emergency medical services.

(4) The Governor may not appoint to the EMS Board more than two persons in total from:

- (i) The same health system;
- (ii) A health system and medical school that are affiliated; or
- (iii) Medical schools under the same governing board.

(c) *Term.* — (1) The term of an appointed member is 4 years.

(2) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) *Chairperson; vice chairperson.* — Annually, from among the members of the EMS Board:

(1) The Governor shall appoint a chairperson; and

(2) The chairperson shall appoint a vice chairperson. (1993, ch. 592; 1996, ch. 10, § 16; 1997, ch. 114, § 1; 2016, ch. 25, § 2; 2017, ch. 214, § 7; 2018, chs. 203, 204.)

Effect of amendments. — Section 2, ch. 25, Acts 2016, effective October 1, 2016, enacted pursuant to Article II, § 17(b) of the Maryland Constitution without the Governor’s signature, reenacted (a)(1) without change and in (a)(2)(ii) added “Campus.”

Chapters 203 and 204, Acts 2018, effective October 1, 2018, made identical changes. Each rewrote (b)(4).

Editor’s note. — Pursuant to § 7, ch. 214, Acts 2017, “Secretary of Health” was substituted for “Secretary of Health and Mental Hygiene” in (a)(2)(i).

§ 13-506. EMS Board — Executive Director.

(a) *Appointment.* — With the approval of the Governor, the EMS Board shall appoint an Executive Director.

(b) *Nature of appointment; salary.* — The Executive Director serves at the pleasure of the EMS Board. The Executive Director is entitled to the salary provided in the State budget.

(c) *Duties and functions.* — Under the direction of the EMS Board, the Executive Director shall:

- (1) Be the administrative head of the EMS Board;
- (2) Be the administrative head of the Institute; and
- (3) Perform any other duty or function that the EMS Board requires.

(d) *Foundations subject to audit.* — Any foundation created by the EMS Board shall be subject to audit by the Office of Legislative Audits. (1993, ch. 592; 1994, ch. 420; 1995, ch. 533, § 2; 1996, ch. 10, § 16.)

§ 13-507. EMS Board — Transaction of business.

(a) *Quorum; adoption of rules and procedures.* — (1) A majority of the full authorized membership of the EMS Board is a quorum for the transaction of any business.

(2) The EMS Board may adopt any rules or procedures necessary to ensure the orderly conduct of business.

(b) *Action requires approval of majority.* — No formal action may be taken by the EMS Board without the approval of a majority of the full authorized membership of the EMS Board.

(c) *Time and place of meetings.* — The EMS Board shall meet at least six times a year, at the times and places that it determines.

(d) *Reimbursement for travel expenses.* — Each member of the EMS Board is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget. (1993, ch. 592; 1996, ch. 10, § 16.)

§ 13-508. EMS Board — Additional powers and duties.

(a) *Additional powers.* — (1) In addition to the powers set forth elsewhere in this subtitle, the EMS Board may:

(i) Subject to the limitations set forth in § 13-509 of this subtitle, adopt regulations to carry out the provisions of this subtitle;

(ii) Create committees from among its members;

(iii) Appoint advisory committees, which may include individuals and representatives of interested public or private organizations;

(iv) Apply for and accept any funds, property, or services from any person or government agency;

(v) Make agreements with a grantor or payor of funds, property, or services, including an agreement to make any study, plan, demonstration, or project;

(vi) Except for confidential medical information, publish and give out any information that relates to the delivery of emergency medical services and is considered desirable in the public interest;

(vii) Hold public hearings; and

(viii) Set and charge reasonable fees to be paid by the applicants for the designation of trauma and specialty referral centers.

(2) (i) The fees charged under paragraph (1)(viii) of this subsection shall be set in a manner that will produce funds sufficient to cover the actual documented direct costs of maintaining the designation program.

(ii) 1. The EMS Board shall pay all fees collected under this subsection into the EMS Trauma and Specialty Referral Centers Designation Fund.

2. The Fund shall be used exclusively to cover the actual documented direct costs of designating EMS trauma and specialty referral centers.

3. The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(b) *Additional duties.* — In addition to the duties set forth elsewhere in this subtitle, the EMS Board shall:

(1) Adopt regulations that relate to its meetings, minutes, and transactions;

(2) Beginning with fiscal year 1996:

(i) Prepare annually a budget proposal that includes the estimated income of the Institute and proposed expenses for its administration and operation; and

(ii) Review and approve that portion of the proposed budgets derived from the Maryland Emergency Medical System Operations Fund for the:

- 1. Maryland Institute for Emergency Medical Services Systems;
- 2. R Adams Cowley Shock Trauma Center;
- 3. Maryland Fire and Rescue Institute; and
- 4. Aviation Division of the Special Operations Bureau, Department of State Police;

(3) Periodically participate in or do analyses and studies that relate to emergency medical services;

(4) On or before October 1 of each year, submit to the Governor and, subject to § 2-1257 of the State Government Article, to the General Assembly an annual report on the operations and activities of the EMS Board and the Institute during the preceding fiscal year, including:

(i) A report on the patients referred or transported to designated emergency medical facilities, including areawide trauma centers, the R Adams Cowley Shock Trauma Center, and specialty referral centers, in accordance with the emergency medical protocols adopted by the EMS Board; and

(ii) Any fact, suggestion, or policy recommendation that the EMS Board considers necessary; and

(5) Work with the Charles McC. Mathias, Jr. National Study Center for Trauma and Emergency Medical Systems to coordinate a plan for research and other academic activities related to emergency medical services issues.

(c) *Governor's budgetary powers not affected.* — The provisions of subsection (b)(2) of this section may not be construed to affect the Governor's powers with respect to a request for an appropriation in the budget bill. (1993, ch. 592; 1994, ch. 165, § 3; ch. 166, § 3; 1995, ch. 3, § 2; 1996, ch. 10, § 16; 1997, ch. 172; ch. 635, § 9; ch. 636, § 9; 2019, ch. 510, § 4; ch. 511, § 4.)

Editor's note. — Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

§ 13-509. Emergency Medical System plan.

(a) *Adoption; purpose.* — In addition to the duties set forth elsewhere in this subtitle, the EMS Board shall develop and adopt an Emergency Medical System plan to ensure effective coordination and evaluation of emergency medical services delivered in this State.

(b) *Provisions; regulations; opportunity for comment.* — (1) The Emergency Medical System plan shall include:

(i) Criteria for the designation of trauma and specialty referral facilities, including all echelons of care;

(ii) Criteria and guidelines for the delivery of emergency medical services including provisions to assure proper medical direction of emergency medical services;

(iii) A plan designed to maintain and enhance the communications and transportation systems for emergency medical services;

(iv) Provisions for the evaluation of emergency medical services personnel training programs;

(v) Provisions for the establishment of public information and education programs designed to enhance the public's understanding of the Emergency Medical System;

(vi) Criteria and methodologies to evaluate the System's effectiveness in delivering quality emergency medical services needed by the citizens of Maryland; and

(vii) Provisions for the evaluation and monitoring of the Emergency Medical System plan to ensure compliance with this subtitle by all segments of the Emergency Medical System.

(2) The EMS Board shall adopt regulations to implement the Emergency Medical System plan required under this section, subject to paragraph (3) of this subsection.

(3) Prior to adopting regulations under this section, the EMS Board shall consult with and provide opportunity for comment from local jurisdictions, volunteer and career fire companies, emergency medical technicians, rescue squad personnel, and hospitals and consider:

(i) The fiscal impact of the proposed regulations on local jurisdictions, volunteer and career fire companies, emergency medical technicians, rescue squad personnel, and hospitals; and

(ii) The effect of the proposed regulations on the ability of local jurisdictions, volunteer and career fire companies, emergency medical technicians, rescue squad personnel, and hospitals to continue to deliver emergency medical services.

(c) *Consultation with Advisory Council.* — The EMS Board shall consult with the Advisory Council in the development of the Emergency Medical System plan.

(d) *Helicopter regulations.* — The EMS Board may adopt regulations that assure that helicopters transporting patients between hospitals or to or from specialty centers notify the System's communication center in the State Emergency Medical Communications System.

(e) *Implementation.* — Each State agency and department shall cooperate with the EMS Board in implementing the State Emergency Medical System plan. (1993, ch. 592; 1996, ch. 10, § 16.)

Authority to issue "Do Not Resuscitate" protocol. — The Maryland Institute for Emergency Medical Services Systems has the authority, in conjunction with the Board of Physician Quality Assurance (now Board of Physicians), to issue an "Emergency Medical Services Palliative Care/Do Not Resuscitate" protocol for pre-hospital providers; there is explicit statutory authority to adopt a protocol that will require emergency medical services

personnel to provide comfort care, instead of cardiopulmonary resuscitation, to a patient with an appropriate physician's order. 80 Op. Att'y Gen. 167 (January 30, 1995).

Quoted in *Imperial v. Drapeau*, 351 Md. 38, 716 A.2d 244 (1998).

Cited in *McCoy v. Hatmaker*, 135 Md. App. 693, 763 A.2d 1233 (2000), cert denied, 364 Md. 141, 771 A.2d 1070 (2001).

§ 13-510. Responsibilities of Executive Director.

In accordance with the Emergency Medical System plan and other relevant policies adopted by the EMS Board, the Executive Director shall:

(1) Coordinate a statewide system of emergency medical services;

- (2) Coordinate the five emergency medical service regions in this State;
- (3) Coordinate the planning and operation of emergency medical services with the federal, State, and county governments;
- (4) Coordinate the training of all personnel in the Emergency Medical Services System and develop the necessary standards for their certification or licensure;
- (5) Coordinate programs of research and education that relate to emergency medical services;
- (6) Coordinate the development of centers for treating emergency injuries and illnesses;
- (7) Coordinate the development of specialty referral centers for resuscitation, treatment, and rehabilitation of the critically ill and injured;
- (8) Work closely with the public and private agencies, health care institutions and universities involved with emergency medical services, the Emergency Medical Services Advisory Council, and the Medical Management Consultant Group;
- (9) Administer State and federal funds for emergency medical services in this State;
- (10) Work closely with the Maryland Fire and Rescue Institute, which is responsible for basic training for emergency medical technicians;
- (11) Assure continued improvement of transportation for emergency, critically ill, and injured patients by supporting the goals of career and volunteer systems throughout this State; and
- (12) Implement all programmatic, operational, and administrative components of the Institute. (1993, ch. 592; 1996, ch. 10, § 16; 1997, ch. 201, § 1.)

Quoted in *Imperial v. Drapeau*, 351 Md. 38, 716 A.2d 244 (1998).

§ 13-511. Emergency Medical Services Advisory Council.

(a) *Established.* — There is a statewide Emergency Medical Services Advisory Council to advise and assist the EMS Board in performing its functions.

(b) *Composition.* — (1) The Advisory Council consists of 31 members. The members shall be appointed by the Board from a list of three qualified nominees submitted to the Board by their respective organizations or associations represented on the Council. The appointments by the Board shall be subject to the approval of the Governor.

(2) Of the 31 members:

(i) One shall be a representative of the Maryland Chapter of the American College of Emergency Physicians;

(ii) One shall be a representative of MedChi, The Maryland State Medical Society;

(iii) One shall be a representative of the Maryland Hospital Association;

(iv) One shall be a representative of the Maryland State Council of the Emergency Nurses Association;

(v) One shall be a representative of the Maryland Fire and Rescue Institute;

- (vi) One shall be a representative of the Maryland State Firemen's Association;
- (vii) One shall be a representative of the Aviation Division of the Department of State Police;
- (viii) One shall be a representative of the Office of Traffic and Safety of the Maryland Department of Transportation;
- (ix) One shall be a representative from each of the five regional emergency medical services advisory councils;
- (x) One shall be a representative of the Maryland Trauma Center Network;
- (xi) One shall be a representative of a Maryland commercial ambulance service;
- (xii) One shall be a representative of the Board of Physicians;
- (xiii) One shall be a representative of the Maryland Chapter, American College of Surgeons;
- (xiv) One shall be a regional medical director;
- (xv) One shall be a representative of the Maryland Chapter (Chesapeake Bay), American Association of Critical Care Nurses;
- (xvi) One shall be a representative of the Professional Fire Fighters of Maryland;
- (xvii) One shall be a representative of the volunteer field providers;
- (xviii) One shall be a representative of the Maryland Metropolitan Fire Chiefs;
- (xix) One shall be a representative of the Emergency Number Systems Board;
- (xx) One shall be the Director of the R Adams Cowley Shock Trauma Center;
- (xxi) One shall be the Director of the National Study Center;
- (xxii) Three shall be members of the general public, one of whom shall reside in a county with a population of less than 175,000;
- (xxiii) One shall be a representative of the Committee on Pediatric Emergency Medicine of the American Academy of Pediatrics, Maryland Chapter;
- (xxiv) One shall be a representative of the Maryland Society of Anesthesiologists; and
- (xxv) One shall be a helicopter pilot.

(c) *Interest or experience required.* — Each appointed member of the Council shall have demonstrated interest or experience in the delivery of emergency medical services.

(d) *Chairperson.* — The members of the Advisory Council shall annually elect the chairperson of the Advisory Council, with the approval of the Governor. The Governor shall have 60 days to approve the elected chairperson. If the Governor has not acted within 60 days of being notified of the election of the chairperson, the elected chairperson shall be deemed approved.

(e) *Functions.* — The Advisory Council shall:

(1) Serve as a principal advisory body to the EMS Board on matters concerning finances, policies, guidelines, regulations, and procedures neces-

sary for the efficient and effective operation of the statewide Emergency Medical Services System and the Institute;

(2) Provide a means by which regional emergency medical services interests can be represented at a statewide level;

(3) Assist in the development of goals for and facilitate the implementation of a comprehensive emergency medical services plan;

(4) Provide assistance in the resolution of interregional and interstate emergency medical services system problems and concerns; and

(5) Perform any other duties as may be requested by the EMS Board or the Governor.

(f) *Staff.* — The staff for the Advisory Council will be provided by the Institute. (1993, ch. 592; 1994, ch. 3, § 1; ch. 165, § 3; ch. 166, § 3; 1995, ch. 3, § 2; 1996, ch. 10, § 16; ch. 236; 1997, ch. 12; 1998, ch. 21, § 1; 2003, ch. 252, § 10; 2010, chs. 375, 376; 2011, ch. 65.)

§ 13-512. Power of Board of Regents.

(a) *Authority specifically delegated to EMS Board.* — The power of the Board of Regents over plans, proposals, and projects of units in the University does not include the power to disapprove or modify any decision or determination that the EMS Board makes under authority specifically delegated by law to the EMS Board.

(b) *Transfer of staff, functions, or funds.* — The power of the Board of Regents to transfer by rule, regulation, or written directive, any staff, functions, or funds of units in the University does not apply to any staff, function, or funds of the EMS Board. (1993, ch. 592; 1996, ch. 10, § 16.)

§ 13-513. Charles McC. Mathias, Jr. National Study Center for Trauma and Emergency Medical Systems.

(a) *Mission.* — The Study Center's primary mission is research, with particular emphasis on establishing national policies related to prevention, treatment, acute care and rehabilitation, trauma and emergency medical care delivery systems, disaster epidemiology and management, injury surveillance, and data collection. It shall serve as the primary research center for the State Emergency Medical Services System.

(b) *Budget and research plan — Development.* — The Director of the Study Center shall work closely with the MIEMSS Director in the development of a research plan and the budget.

(c) *Budget and research plan — Submission.* — The Director of the Study Center shall submit the budget and research plan to the EMS Board for review and comment.

(d) *Budget and research plan — Opportunity for comment.* — The Director of the Study Center shall advise and provide the opportunity for the EMS Board to comment prior to the adoption of any proposed change in the budget, mission, research plan, or other policies of the Study Center that would affect the ability of the Study Center to continue to fulfill its mission as the primary research center for the State Emergency Medical Services System.

(e) *Budget and research plan — Annual report.* — The Director of the Study Center shall submit to the EMS Board an annual report on the budget and research plan.

(f) *Director.* — Subject to the approval of the Governor, the President of the University of Maryland, Baltimore Campus shall appoint the Director of the Study Center. The Governor shall have 60 days to approve the appointment. If the Governor has not acted within 60 days of being notified of the appointed director, the appointed director shall be deemed approved.

(g) *Cost recoveries by University of Maryland Baltimore.* — The University of Maryland, Baltimore Campus shall receive indirect cost recoveries as stipulated in grants received by the National Study Center.

(h) *Transfer of funds elsewhere prohibited.* — The University System of Maryland may not transfer funds for the Study Center to any other program or purpose. (1993, ch. 592; 1996, ch. 10, § 16; 1997, ch. 114, § 1; 2016, ch. 25, § 2.)

Effect of amendments. — Section 2, ch. 25, Acts 2016, effective October 1, 2016, enacted pursuant to Article II, § 17(b) of the Maryland

Constitution without the Governor's signature, added "Campus" in the first sentence of (f) and in (g).

§ 13-514. R Adams Cowley Shock Trauma Center.

(a) *Primary adult clinical resource center.* — The R Adams Cowley Shock Trauma Center is the primary adult clinical resource center for the State Emergency Medical Services Systems.

(b) *Director — Appointment.* — The chief administrative officer of the Center is the Director who:

(1) Shall be appointed by the Board of Directors of the Medical System Corporation, subject to the approval of the Governor or the passage of 60 days from the date of the appointment, whichever occurs first; and

(2) May not hold concurrently the position of Executive Director of the Institute.

(c) *Director — Duties.* — The Director of the Center shall:

(1) Report through the Medical System Corporation Chief Executive Officer to the Board of Directors;

(2) Provide a monthly report to the Board of Directors and the EMS Board on the overall progress of programs;

(3) Render reports to appropriate committees of the Board of Directors; and

(4) Develop the budget and, after approval of the Medical System Corporation Chief Executive Officer, present the budget to the EMS Board for review and comment and through the appropriate committees of the Board of Directors for approval by the Board of Directors.

(d) *Director — Additional duties.* — The Director of the Center shall:

(1) Advise and provide the opportunity for the EMS Board to comment prior to the adoption of any proposed change in the budget, services, mission, or other policies of the Center that would affect the ability of the Center to continue to fulfill its mission as the statewide primary adult clinical resource for emergency medical services; and

(2) Submit to the EMS Board an annual report on the budget and on the operations of the Center. (1993, ch. 592; 1994, ch. 3, § 1; 1996, ch. 10, § 16.)

§ 13-515. Ambulance services.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Ambulance” means any conveyance designed and constructed or modified and equipped to be used, maintained, or operated to transport individuals who are sick, injured, wounded, or otherwise incapacitated.

(ii) “Ambulance” includes a conveyance designed and constructed or modified and equipped for aeromedical transport.

(3) (i) “Ambulance service” means any individual, firm, partnership, corporation, association, or organization engaged in the business of transporting by ambulance individuals who are sick, injured, wounded, or otherwise incapacitated.

(ii) “Ambulance service” does not include the transporting of individuals in an ambulance owned, operated, or under the jurisdiction of a unit of State government, a political subdivision of the State, or a volunteer fire company or volunteer rescue squad.

(4) “Fund” means the Commercial Ambulance Service Fund.

(5) “License” means a license issued by the Institute to operate an ambulance service in the State.

(b) *License required.* — Unless issued a license under this section, an individual, firm, partnership, corporation, association, or organization may not operate an ambulance service in the State.

(c) *Regulations; minimum requirements.* — (1) The EMS Board, in consultation with representatives of the ambulance service industry in Maryland, shall adopt regulations necessary to establish a periodic licensing system for ambulance services in the State.

(2) The regulations shall, at a minimum, require:

(i) Each ambulance operated by the ambulance service to be equipped with adequate equipment and supplies to:

1. Care for the patients being transported; and
2. Communicate with the dispatcher;

(ii) 1. At least one individual, in addition to the driver, in attendance during transport who is certified or licensed under § 13-516 of this subtitle for the appropriate level for the care to be rendered; or

2. Personnel equivalent or superior to the requirements of item 1 of this subparagraph as demonstrated to the Institute including:

- A. Licensed physicians;
- B. Licensed nurses; or
- C. Licensed respiratory therapists; and

(iii) Each ambulance operated by the ambulance service be inspected:

1. For an ambulance intended for use on a roadway, once every 12 months by an inspection station licensed under § 23-103 of the Transportation Article and be issued an inspection certificate by the inspection station; or

2. For any other type of ambulance, under all applicable State and federal inspection requirements for the type of ambulance.

(d) *Qualifications for license.* — To qualify for an ambulance service license, an applicant shall:

(1) Pay the Institute an application fee established under this section;

(2) Maintain commercial general liability insurance for at least \$1 million in coverage in an insurance policy issued by an insurer acceptable to the Maryland Insurance Commissioner to write such policies in the State;

(3) Provide the Institute a certificate of insurance that at a minimum:

(i) Indicates that the insurance required under this subsection is in effect when the application is submitted; and

(ii) Lists the Institute as an additional party entitled to notification at least 10 days before any:

1. Nonrenewal or cancellation of a policy required by this subsection; or

2. Substantive change is made in the coverage or level of insurance under a policy required by this subsection; and

(4) Meet the requirements of this section and all regulations under this section.

(e) *Fees.* — (1) There is a Commercial Ambulance Service Fund within the Institute.

(2) (i) The Institute shall set reasonable fees for the licensing and license renewal of ambulance services.

(ii) The fees charged by the Institute shall be set in a manner that will produce funds sufficient to cover the actual direct and indirect costs of maintaining the licensing program under this section.

(iii) The total reasonable cost of maintaining the licensing program may not be more than the revenues generated by the fees for the licensing and license renewal for ambulance services.

(3) (i) The Institute shall pay all funds collected under this section to the Comptroller of the State.

(ii) The Comptroller shall distribute the fees to the Fund.

(4) The Fund shall be used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Institute as provided by the provisions of this section.

(5) The Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.

(6) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this section.

(7) (i) A designee of the Institute shall administer the Fund.

(ii) Money in the Fund may be expended only for any lawful purpose authorized under the provisions of this section.

(8) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

(f) *Inspections.* — The Institute may inspect the operating base, equipment, supplies, and company procedures necessary to ensure compliance with the

requirements of this section and all regulations adopted by the Institute under this section.

(g) *Denial of application, suspension or revocation of license.* — Subject to the hearing provisions of subsection (h) of this section, the Institute may deny an application for an ambulance service license or suspend or revoke a license if the applicant or licensee violates any provision of this section or any regulation adopted by the Institute under this section.

(h) *Hearings.* — Before the Institute takes any final action under subsection (g) of this section, the Institute shall give the person against whom the action is contemplated an opportunity for a hearing under the provisions of § 10-226 of the State Government Article.

(i) *Waivers.* — The Institute may waive the requirements of this section for any ambulance service:

(1) Licensed in another state if the ambulance service provides adequate evidence that the ambulance service is licensed in the other state after meeting requirements that are at least as stringent as the licensing requirements of this State; or

(2) That transports patients into this State only on an occasional basis as determined by the Institute.

(j) *Penalties.* — A person who violates any provision of this section or any regulation adopted by the Institute under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(k) *Preemption of local legislation.* — This section preempts the authority of a county or municipal corporation to regulate any ambulance service with a base of operation located outside the county or municipal corporation that is licensed under this section. (1990, ch. 618; 1993, ch. 638; 1994, ch. 420; 1995, ch. 3, § 1; 1996, ch. 10, § 16; 1997, ch. 201, § 1; 2000, ch. 35; 2001, ch. 345; 2017, ch. 62, § 6.)

Editor's note. — Pursuant to § 6, ch. 62, Acts 2017, “Money” was substituted for “Mon-ey” in (e)(7)(ii).

Jurisdiction of litter van service. — Litter van service is generally within the jurisdiction of the Maryland Institute for Emergency Medical Services Systems, because it is an “ambulance” service as defined by law; however, litter van service within Prince George’s

and Montgomery counties is outside its jurisdiction, to the extent that the Washington Metropolitan Area Transit Commission exercises jurisdiction over such service within its territory. 80 Op. Att’y Gen. 118 (August 2, 1995).

Applied in *Murray v. Transcare Md., Inc.*, 203 Md. App. 172, 37 A.3d 987 (2012); *TransCare Maryland, Inc. v. Murray*, 431 Md. 225, 64 A.3d 887 (2013).

§ 13-516. Emergency medical services; Board; license or certificate.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Cardiac rescue technician” (CRT) means an individual who has:

(i) Completed a cardiac rescue technician course approved by the EMS Board;

(ii) Demonstrated competence in medical protocols within this State as determined by the EMS Board; and

(iii) Been examined by the EMS Board and licensed as a CRT by the EMS Board.

(3) “Certificate” means a certificate issued by the EMS Board to provide emergency medical services in the State, except where the context requires otherwise.

(4) “Emergency medical dispatcher” (EMD) means an individual who has:

(i) Completed an emergency medical dispatcher course approved by the EMS Board or its equivalent as determined by the EMS Board;

(ii) Demonstrated competence in medical protocols as determined by the EMS Board; and

(iii) Been examined by the EMS Board or has been recognized as an emergency medical dispatcher by an emergency medical dispatcher program approved by the EMS Board and licensed as an emergency medical dispatcher by the EMS Board.

(5) “Emergency medical responder” means an individual who has:

(i) Completed an emergency medical responder course approved by the EMS Board, or its equivalent as determined by the EMS Board;

(ii) Demonstrated competence in medical protocols as determined by the EMS Board;

(iii) Been examined by the EMS Board or by a basic life support education program approved by the EMS Board; and

(iv) Been certified as an emergency medical responder by the EMS Board.

(6) “Emergency medical services” means:

(i) Medical services provided prehospital to prevent imminent death or aggravation of illness or injury whether or not transport to a hospital or appropriate facility occurs;

(ii) Transport from the scene of a medical emergency to a hospital or appropriate facility whether or not medical services are provided;

(iii) Medical interfacility transport services to an appropriate facility; or

(iv) Medical interfacility critical care transport to an appropriate facility.

(7) “Emergency medical services provider” means an individual licensed or certified by the EMS Board as:

(i) A cardiac rescue technician;

(ii) An emergency medical dispatcher;

(iii) An emergency medical responder;

(iv) An emergency medical technician; or

(v) A paramedic.

(8) “Emergency medical technician” (EMT) means an individual who has:

(i) Completed an emergency medical technician course approved by the EMS Board;

(ii) Demonstrated competence in medical protocols as determined by the EMS Board; and

(iii) Been examined by the EMS Board or been examined and registered by the National Registry of Emergency Medical Technicians, Inc. as an emergency medical technician and certified as an EMT by the EMS Board.

(9) “License” means a license issued by the EMS Board to provide emergency medical services in the State, unless the context requires otherwise.

(10) (i) “Medical direction” means the written or oral instruction by a licensed physician to perform specified medical procedures or administer specified medications or intravenous solutions.

(ii) “Medical direction” includes the activities of a licensed physician in the State serving as a medical director for an agency providing emergency medical services including quality assurance, planning, and education.

(11) “National registry” means the nonproprietary, nongovernmental agency that provides standardized national testing and registration for emergency medical technicians based on national training standards.

(12) “Paramedic” means an individual who has:

- (i) Completed a paramedic course approved by the EMS Board;
- (ii) Been examined and registered by the National Registry of Emergency Medical Technicians, Inc. as a paramedic;
- (iii) Demonstrated competence in medical protocols within this State as determined by the EMS Board; and
- (iv) Been licensed as a paramedic by the EMS Board.

(13) “Provider review panel” means the 13-member panel appointed by the EMS Board in accordance with the provisions of subsection (e) of this section.

(14) “Public safety personnel” means:

- (i) Any career or volunteer member of a fire, rescue or EMS department, company, squad or auxiliary;
- (ii) Any law enforcement officer; or
- (iii) The State Fire Marshal or a sworn member of the State Fire Marshal’s office.

(b) *License or certificate required.* — (1) Except as otherwise provided in this section, an individual may not provide emergency medical services in the State unless issued a license or certificate by the EMS Board under this section.

(2) This section does not apply to:

- (i) An individual who:
 1. Has completed an emergency medical services course or its equivalent as determined by the EMS Board;
 2. Is authorized to provide emergency medical services by any state adjoining this State;
 3. Is called on by a public safety agency providing emergency medical services to render emergency medical services in this State or to transport emergency patients from the adjoining state to a health care facility in this State;
 4. Is providing emergency medical services within the scope of the license or certificate issued to the individual by the other state; and
 5. Is not affiliated with an emergency medical service in this State or is not engaged in providing emergency medical services in this State on a regular basis;

(ii) An individual who is enrolled in an emergency medical services provider training program that meets the standards set by the EMS Board in the course of that training;

(iii) An individual who is not engaged in providing emergency medical services on a regular basis who provides emergency medical services at the scene of a medical emergency in rare instances;

(iv) An individual who is a member of a volunteer fire or rescue company and solely engaged in driving the emergency vehicle;

(v) An individual who assists an emergency medical services provider but does not directly provide emergency medical services;

(vi) An individual who has American Red Cross first aid training or its equivalent and who provides services within the scope of that training, does not respond to emergency calls, and does not transport patients; or

(vii) A law enforcement officer who:

1. Has successfully completed a course:

A. In first aid and CPR/AED approved by the American Red Cross, the National Safety Council, or another nationally recognized program;

B. That meets the requirements of the National Emergency Medical Services Education Standards and Instructional Guidelines for Emergency Medical Responders published by the U.S. Department of Transportation; or

C. Approved for law enforcement officers by the EMS Board;

2. Provides services within the scope of that training; and

3. Is not dispatched as an emergency medical services provider.

(3) This subsection does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under the Health Occupations Article.

(4) A person who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(b-1) *Credit for experience as service member.* — (1) In this subsection, “service member” means an individual who is an active duty member of:

(i) The armed forces of the United States;

(ii) A reserve component of the armed forces of the United States; or

(iii) The National Guard of any state.

(2) (i) In calculating an individual’s years of experience in an occupation or profession, the EMS Board shall give credit to the individual for all relevant experience as a service member.

(ii) The EMS Board shall credit any training and education provided by the military and completed by a service member toward any training or education requirements for licensure or certification if the training or education is determined by the EMS Board to be:

1. Substantially equivalent to the training or education required by the EMS Board; and

2. Not otherwise contrary to any other licensing requirement.

(c) *Application; fees; renewal.* — (1) To apply for a license or certificate, an individual shall:

(i) Submit an application on the form that the EMS Board requires; and

(ii) Pay to the EMS Board any application fee set by the EMS Board under subsection (m) of this section.

(2) The EMS Board may not charge a licensing, certifying, testing, or retesting fee to any individual who is a member or employee of any governmental or volunteer fire, rescue, or emergency medical services company at the date of application.

(3) The EMS Board shall provide for the term and renewal of licenses or certificates issued under this section.

(d) *Adoption of rules and regulations.* — (1) The EMS Board may adopt rules, regulations, protocols, orders, and standards to carry out the provisions of this section.

(2) Any regulations of the EMS Board relating to the practice of medicine shall be adopted jointly with the Board of Physicians.

(3) Any regulations of the EMS Board relating to the practice of nursing shall be adopted in collaboration with the Board of Nursing.

(e) *Provider review panel.* — (1) (i) There is a provider review panel to the EMS Board.

(ii) The provider review panel shall be appointed by the EMS Board.

(2) The provider review panel consists of 13 members, 11 voting members appointed by the EMS Board and two nonvoting members.

(3) Eight of the appointed members shall be licensed or certified emergency medical service providers who are actively providing emergency medical services at the time of their appointment. Three shall be members of a governmental fire, rescue, or emergency medical services company, three shall be members of a volunteer fire, rescue, or emergency medical services company, one shall be an employee of a commercial ambulance service, and one shall be an emergency medical dispatcher. In appointing the provider representatives of the provider review panel, the EMS Board shall give consideration to providing for reasonable representation from throughout the State.

(4) One of the appointed members shall be a physician appointed by the Board of Physicians.

(5) One of the appointed members shall be a medical director with emergency medical services experience.

(6) One of the appointed members shall be a representative of the Medical and Chirurgical Faculty of the State of Maryland who has emergency medical services experience.

(7) The Executive Director of the Institute and the State EMS Medical Director shall serve as nonvoting ex officio members.

(8) The panel shall elect a chairman from among its members.

(9) The EMS Board shall adopt regulations for the selection, appointment, and terms of the members of the panel, including providing for the staggering of terms.

(10) (i) The provider review panel shall review patient care and other allegations of misconduct against emergency medical services providers and provide recommendations to the EMS Board for further action as necessary.

(ii) The provider review panel shall perform any other duty or function that the EMS Board requires.

(f) *Performance of specified medical procedures; dispatchers; first responders.* — (1) Subject to the rules, regulations, protocols, orders, and standards of the EMS Board and subject to medical direction, while providing emergency medical services:

(i) A cardiac rescue technician, an emergency medical technician, or a paramedic may:

1. Perform specified medical procedures as authorized by the EMS Board;

2. Administer specified medications or intravenous solutions; and

3. Provide emergency medical transport;

(ii) An emergency medical dispatcher may:

1. Perform medical interrogation in order to determine the type and level of response required at the scene of a medical emergency; and

2. Provide prearrival instructions including instructions in cardiopulmonary resuscitation; and

(iii) An emergency medical responder:

1. May perform specified medical procedures as defined by the EMS Board; and

2. May not be the primary emergency medical services provider during emergency medical transport.

(2) Participation in emergency medical dispatch programs by jurisdictions is totally voluntary.

(g) *Influenza and hepatitis B immunizations and tuberculosis skin testing.* — Subject to the rules, regulations, protocols, orders, and standards of the EMS Board, a paramedic may administer influenza and hepatitis B immunizations and tuberculosis skin testing, in a nonemergency environment, to public safety personnel within the jurisdiction of the paramedic, if the services are:

(1) Authorized by a written agreement between the provider's jurisdictional EMS operational program medical director and the county or city health department in whose jurisdiction the services are performed, which shall include provisions for documentation, referral and follow-up, and storage and inventory of medicine;

(2) Under the direction of the jurisdictional EMS operational program medical director; and

(3) Approved by the Institute.

(h) *Reprimand, suspension, and revocation.* — (1) Subject to the hearing provisions of subsection (i) of this section and as a result of any conduct of an emergency medical services provider or an applicant for a license or certificate under this section that is prohibited under the provisions of this section or any regulations adopted under this section, the EMS Board may:

(i) Reprimand or place an emergency medical services provider on probation;

(ii) Suspend or revoke the license or certificate of an emergency medical services provider;

(iii) Deny a license or certificate to an applicant; or

(iv) Refuse to renew an applicant's license or certificate.

(2) On the application of an individual whose license or certificate has been suspended or revoked, the EMS Board may reinstate a suspended or revoked license or certificate.

(3) (i) Unless the EMS Board agrees to accept the surrender of a license or certificate, a holder of a license or certificate may not surrender the license or certificate.

(ii) A license or certificate may not lapse by operation of law while the holder of the license or certificate is under investigation or while charges are pending against the holder of the license or certificate.

(4) The EMS Board may set conditions on its agreement with the holder of the license or certificate under investigation or against whom charges are pending to accept surrender of the license or certificate.

(i) *Review and hearing; representation.* — (1) The EMS Board may take action under subsection (h) of this section only after:

(i) A review and recommendation by the provider review panel; and

(ii) The individual against whom the action is contemplated has had an opportunity for a hearing in accordance with the provisions of Title 10, Subtitle 2 of the State Government Article.

(2) The EMS Board may not proceed with disciplinary cases concerning patient care except upon the affirmative recommendation of the provider review panel.

(3) The individual may be represented at the hearing by counsel.

(4) Any person aggrieved by a decision of the EMS Board may take any further appeal allowed under Title 10, Subtitle 2 of the State Government Article.

(j) *Board of Nursing.* — (1) The EMS Board shall refer to the Board of Nursing any complaint about an emergency medical services provider who, in addition to being licensed or certified by the EMS Board, is licensed as a registered nurse or licensed practical nurse by the Board of Nursing.

(2) The Board of Nursing may investigate and discipline a registered nurse or licensed practical nurse for a violation of this section and a violation of Title 8 of the Health Occupations Article.

(3) The Board of Nursing shall conduct any hearing required by this section in accordance with § 8-317 of the Health Occupations Article.

(4) The EMS Board shall comply with any recommendation or order issued by the Board of Nursing regarding the issuance of a license or certificate by the EMS Board to an individual who is licensed as a registered nurse or licensed practical nurse.

(k) *Enforcement; subpoenas.* — (1) The EMS Board may, over the signature of the chairman of the EMS Board, Executive Director of the Institute, chairman of the provider review panel, or State EMS Medical Director, issue subpoenas and administer oaths in connection with any investigation under this section and any hearings or proceedings before it.

(2) If, without lawful excuse, a person disobeys a subpoena of the EMS Board or an order by the EMS Board to take an oath or to testify or answer a question, a court of competent jurisdiction may punish the person for contempt.

(3) If, after due notice, the individual against whom an action is contemplated fails or refuses to appear, the EMS Board may hear and determine the matter.

(4) If the entry is necessary to carry out a duty under this section, any duly authorized agent or investigator of the EMS Board may enter at any reasonable hour a place of business of a licensed or certified emergency medical services provider or public premises.

(5) The EMS Board may issue a cease and desist order or obtain injunctive relief if a person provides emergency medical services without a license or certificate.

(1) *Penalties.* — (1) A person who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(2) Unless licensed or certified to provide emergency medical services under this section, a person may not represent to the public that the person is authorized to provide emergency medical services in this State.

(3) Unless licensed or certified to provide emergency medical services under this section, a person may not use the terms “cardiac rescue technician”, “CRT”, “emergency medical dispatcher”, “EMD”, “emergency medical responder”, “emergency medical technician”, “paramedic”, or any other words, letters, or symbols with the intent to represent that the person is authorized to provide emergency medical services.

(m) *EMS Board Provider Fund.* — (1) There is an EMS Board Provider Fund.

(2) Except as provided in paragraph (3) of this subsection, the EMS Board may set reasonable fees for the initial issuance of licenses or certificates and its other services.

(3) (i) The EMS Board may not charge an initial licensing fee, an initial certifying fee, a fee for the renewal of a license, a fee for the renewal of a certificate, a testing fee, or a retesting fee to an individual who is a member or employee of any governmental or volunteer fire or rescue company at the time of that individual’s application.

(ii) The EMS Board shall pay all fees collected under the provisions of this section to the Comptroller of the State.

(iii) The Comptroller of the State shall distribute the fees to the EMS Board Provider Fund.

(4) The EMS Board Provider Fund shall be used exclusively to fund the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the EMS Board as provided by the provisions of this section.

(5) (i) The EMS Board Provider Fund is a continuing, nonlapsing fund and is not subject to § 7-302 of the State Finance and Procurement Article.

(ii) Any unspent portion of the EMS Board Provider Fund may not be transferred or revert to the General Fund of the State but shall remain in the EMS Board Provider Fund to be used for the purposes specified in this section.

(n) *Delegation of Board’s authority.* — (1) The EMS Board may delegate any portion of its authority under this section to the Executive Director of the Institute unless specifically precluded by statute.

(2) Notice of any delegation of authority made under this section shall be published in the Maryland Register.

(3) The EMS Board may not delegate its authority to promulgate and revise regulations, hear contested cases, or designate the provider review panel to the Executive Director of the Institute.

(4) The EMS Board may delegate to the Office of Administrative Hearings the authority to hear contested cases and issue recommendations. (1997, ch. 201, § 1; 1998, ch. 46; 2000, ch. 61, §§ 1, 6; ch. 174; 2003, ch. 252, § 10; 2006, ch. 68; 2007, ch. 5; 2010, ch. 272; 2011, chs. 65, 113; 2013, ch. 154, § 2; ch. 155, § 2; 2014, ch. 45; 2018, ch. 149.)

Effect of amendments. — Chapter 149, Acts 2018, effective July 1, 2018, reenacted (a)(1) and (a)(7) without change.

Editor's note. — Section 3, ch. 113, Acts 2011, effective July 1, 2012, provides that “an emergency medical services provider who is licensed or certified by the EMS Board prior to July 1, 2012, shall be deemed licensed or certified under the provisions of this Act until the expiration of the license or certification.”

Effect of license requirement. — State’s oversight of individuals who provided emergency medical services under this section did not transform it into the plaintiff emergency medical service provider’s employer; to hold otherwise would have led to the absurd holding that the State was the employer for every profession in which a license to practice in

Maryland was required. *Evans v. Wilkinson*, 609 F. Supp. 2d 489 (D. Md. 2009).

Distribution of drug as part of program to treat overdoses. — A participant in a program for the treatment of overdoses would not be liable to criminal prosecution if the participant were prescribed naloxone for the participant’s own use; however, if the participant were prescribed the drug on the understanding that he or she would administer it to another person, the participant might be subject to criminal prosecution for the unauthorized practice of medicine, for the unlicensed provision of emergency medical services, and for violation of State laws pertaining to prescription drugs. 88 Op. Att’y Gen. 88 (Apr. 30, 2003).

§ 13-517. Automated External Defibrillator Program.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Automated external defibrillator (AED)” means a medical heart monitor and defibrillator device that:

- (i) Is cleared for market by the federal Food and Drug Administration;
- (ii) Recognizes the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;
- (iii) Determines, without intervention by an operator, whether defibrillation should be performed;
- (iv) On determining that defibrillation should be performed, automatically charges; and
- (v) 1. Requires operator intervention to deliver the electrical impulse; or
2. Automatically continues with delivery of electrical impulse.

(3) “Certificate” means a certificate issued by the EMS Board to a registered facility.

(4) “Facility” means an agency, association, corporation, firm, partnership, or other entity.

(5) “Jurisdictional emergency medical services operational program” means the institution, agency, corporation, or other entity that has been approved by the EMS Board to provide oversight of emergency medical

services for each of the local government and State and federal emergency medical services programs.

(6) “Program” means the Public Access Automated External Defibrillator Program.

(7) “Regional administrator” means the individual employed by the Institute as regional administrator in each EMS region.

(8) “Regional council” means an EMS advisory body as created by the Code of Maryland Regulations 30.05.

(9) “Regional council AED committee” means a committee appointed by the regional council consisting of:

(i) The regional medical director;

(ii) The regional administrator; and

(iii) Three or more individuals with knowledge of and expertise in AEDs.

(10) “Registered facility” means an organization, business association, agency, or other entity that meets the requirements of the EMS Board for registering with the Program.

(b) *Established; purpose.* — (1) There is a Public Access Automated External Defibrillator Program.

(2) The purpose of the Program is to coordinate an effective statewide public access defibrillation program.

(3) The Program shall be administered by the EMS Board.

(c) *Powers of EMS Board.* — The EMS Board may:

(1) Adopt regulations for the administration of the Program;

(2) Issue and renew certificates to facilities that meet the requirements of this section;

(3) Deny, suspend, revoke, or refuse to renew the certificate of a registered facility for failure to meet the requirements of this section;

(4) Approve educational and training programs required under this section that:

(i) Are conducted by any private or public entity;

(ii) Include training in cardiopulmonary resuscitation and automated external defibrillation; and

(iii) May include courses from nationally recognized entities such as the American Heart Association, the American Red Cross, and the National Safety Council;

(5) Approve the protocol for the use of an AED; and

(6) Delegate to the Institute any portion of its authority under this section.

(d) *Facility certification required.* — (1) Each facility that desires to make automated external defibrillation available shall possess a valid certificate from the EMS Board.

(2) This subsection does not apply to:

(i) A jurisdictional emergency medical services operational program;

(ii) A licensed commercial ambulance service;

(iii) A health care facility as defined in § 19-114 of the Health - General Article; or

(iv) A place of business for health care practitioners who are licensed as dentists under Title 4 of the Health Occupations Article or as physicians under Title 14 of the Health Occupations Article and are authorized to use an AED in accordance with that license.

(e) *Facility certification — Requirements.* — To qualify for a certificate a facility shall:

(1) Comply with the written protocol approved by the EMS Board for the use of an AED which includes notification of the emergency medical services system through the use of the 911 universal emergency access number as soon as possible on the use of an AED;

(2) Have established automated external defibrillator maintenance, placement, operation, reporting, and quality improvement procedures as required by the EMS Board;

(3) Maintain each AED and all related equipment and supplies in accordance with the standards established by the device manufacturer and the federal Food and Drug Administration; and

(4) Ensure that each individual who is expected to operate an AED for the registered facility has successfully completed an educational training course and refresher training as required by the EMS Board.

(f) *Report of use of AED.* — A registered facility shall report the use of an AED to the Institute for review by the regional council AED committee.

(g) *Report of use of AED — Procedures.* — A facility that desires to establish or renew a certificate shall:

(1) Submit an application on the form that the EMS Board requires; and

(2) Meet the requirements under this section.

(h) *Certificate — Contents.* — (1) The EMS Board shall issue a new or a renewed certificate to a facility that meets the requirements of this section.

(2) Each certificate shall include:

(i) The type of certificate;

(ii) The full name and address of the facility;

(iii) A unique identification number; and

(iv) The dates of issuance and expiration of the certificate.

(3) A certificate is valid for 3 years.

(i) *Cease and desist orders.* — The EMS Board may issue a cease and desist order or obtain injunctive relief if a facility makes automated external defibrillation available in violation of this section.

(j) *Immunities.* — (1) In addition to any other immunities available under statutory or common law, a registered facility is not civilly liable for any act or omission in the provision of automated external defibrillation if the registered facility:

(i) Has satisfied the requirements for making automated external defibrillation available under this section; and

(ii) Possesses a valid certificate at the time of the act or omission.

(2) In addition to any other immunities available under statutory or common law, a member of the regional council AED committee is not civilly liable for any act or omission in the provision of automated external defibrillation.

(3) In addition to any other immunities available under statutory or common law, an individual is not civilly liable for any act or omission if:

(i) The individual is acting in good faith while rendering automated external defibrillation to a person who is a victim or reasonably believed by the individual to be a victim of a sudden cardiac arrest;

(ii) The assistance or aid is provided in a reasonably prudent manner; and

(iii) The automated external defibrillation is provided without fee or other compensation.

(4) The immunities in this subsection are not available if the conduct of the registered facility or an individual amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(5) This subsection does not affect, and may not be construed as affecting, any immunities from civil or criminal liability or defenses established by any other provision of the Code or by common law to which a registered facility, a member of the regional council AED committee, or an individual may be entitled.

(k) *Opportunity for hearing.* — (1) A registered facility aggrieved by a decision of the Institute acting under the delegated authority of the EMS Board under this section shall be afforded an opportunity for a hearing before the EMS Board.

(2) A registered facility aggrieved by a decision of the EMS Board under this section shall be afforded an opportunity for a hearing in accordance with Title 10, Subtitle 2 of the State Government Article. (1999, ch. 167; ch. 702, § 5; 2000, ch. 61, § 1; 2001, ch. 29, § 1; 2005, ch. 413; 2008, chs. 593, 596, 597.)

University of Baltimore Law Review. — For article, “Gross, Reckless, Wanton, and Indifferent: Gross Negligence in Maryland Civil Law,” see 30 U. Balt. L. Rev. 1 (2000).

No obligation to act. — Nothing in this section obligated the facility to take any specific

action when the decedent exhibited signs of cardiac arrest. *Trim v. YMCA of Cent. Md., Inc.*, 233 Md. App. 326, 165 A.3d 534 (2017).

TITLE 18.

STUDENT FINANCIAL ASSISTANCE.

Subtitle 1. General Provisions.

§ 18-101. Definitions.

(a) *In general.* — In this title the following words have the meanings indicated.

(b) *Commission.* — “Commission” means the Maryland Higher Education Commission.

(c) *Office.* — “Office” means the Office of Student Financial Assistance.

(d) *Secretary.* — “Secretary” means the Secretary of Higher Education. (1988, ch. 246, § 2; 2002, chs. 315, 429; 2005, ch. 105; 2006, ch. 20; 2008, ch. 317; 2013, chs. 374, 503; 2014, chs. 339, 340; 2017, ch. 149, § 1.)

Effect of amendments. — Section 1, ch. 149, Acts 2017, effective June 1, 2017, reenacted (a) through (c) without change.

§ 18-103. Eligible institutions.

Except as otherwise provided in Subtitles 3, 4, 5, and 12 of this title, a scholarship, grant, loan, or other student financial assistance awarded by the Office may be used only at a public or private nonprofit institution of higher education in this State that possesses a certificate of approval from the Commission. (An. Code 1957, art. 77A, § 34; 1978, ch. 22, § 2; 1988, ch. 246, § 2; 1996, ch. 10, § 16; 2010, ch. 217; 2011, ch. 277, §§ 1, 3; 2013, ch. 503, § 1; 2016, ch. 181, § 1; ch. 654.)

Effect of amendments. — Section 1, ch. 181, Acts 2016, effective July 1, 2016, substituted “Subtitles 3, 4, 5, and 12” for “Subtitles 4, 5, and 12.”

Chapter 654, Acts 2016, effective June 1, 2016, reenacted the section without change.

Editor’s note. — Pursuant to § 6, ch. 277, Acts 2016, the amendment is deemed to have abrogated on June 30, 2016.

Section 3, ch. 181, Acts 2016, provides that “this Act shall take effect July 1, 2016, the effective date of Chapter 277 of the Acts of the General Assembly of 2011. If the effective date

of Chapter 277 is amended, Section 1 of this Act shall take effect on the taking effect of Chapter 277.” Chapter 277, Acts 2011 took effect July 1, 2016.

Bill review letter. — Chapter 181, Acts 2016, (Senate Bill 272) was approved for constitutionality and legal sufficiency. The intent was that § 1, ch. 181, Acts 2016, would take effect if § 3, ch. 277, Acts 2011, is abrogated as provided in § 6, ch. 277, Acts 2011 (July 1, 2016). (Letter of Attorney General dated April 20, 2016.)

Subtitle 6. Scholarships for Military and Public Safety Personnel and Their Dependents and the Dependents of Certain School Employees.

§ 18-601. Scholarships for children, stepchildren, or surviving spouse of prisoners of war, persons missing in action, certain veterans, 9/11 victims, or public safety employees.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Disabled public safety employee” means a State or local public safety employee who sustains an injury in the line of duty that:

(i) Precludes the individual from continuing to serve or be employed as a State or local public safety employee; and

(ii) In the case of a volunteer member of a fire department or ambulance or rescue company or squad, precludes the member from continuing to be employed in the nonpublic safety occupation in which the member is engaged at the time of the injury.

(3) “Fund” means the Edward T. Conroy and Jean B. Cryor Scholarship Fund.

(4) “School employee” includes an employee of a public or nonpublic school in the State.

(5) “State or local public safety employee” means a person who is:

- (i) A career or volunteer member of a:
1. Fire department;

- 2. Ambulance company or squad; or
- 3. Rescue company or squad;
- (ii) A law enforcement officer;
- (iii) A correctional officer; or
- (iv) A member of the Maryland National Guard who was a resident of this State at the time of death.

(6) “Surviving spouse” means a person who has not remarried.

(7) “Victim of the September 11, 2001, terrorist attacks” means a Maryland resident who was killed as a result of the attacks on the World Trade Center in New York City, the attack on the Pentagon in Virginia, or the crash of United Airlines Flight 93 in Pennsylvania.

(b) *Established.* — There is a program of scholarships that are awarded by eligible postsecondary institutions under this section.

(c) *Names of programs.* — (1) The program for military and public safety personnel and their eligible dependents is the Edward T. and Mary A. Conroy Memorial Scholarship Program.

(2) The program for eligible dependents of public and nonpublic school employees is the Jean B. Cryor Memorial Scholarship Program.

(d) *Eligibility.* — A person may apply to an eligible postsecondary institution for a scholarship under this section if the person:

- (1) (i) Is a resident of Maryland at the time of application; or
- (ii) Was a resident of Maryland when an event described in paragraph (3) of this subsection occurred;
- (2) (i) Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution; or
- (ii) Is enrolled in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and
- (3) (i) Is at least 16 years old and a son, daughter, stepson, or stepdaughter of a member of the armed forces who:
 - 1. Died as a result of military service after December 7, 1941;
 - 2. Suffered a service connected 100% permanent disability after December 7, 1941; or
 - 3. Was declared to be a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict, and if the child was born prior to or while the parent was a prisoner of war or missing in action;
- (ii) Was a prisoner of war or missing in action, if that occurred on or after January 1, 1960, as a result of the Vietnam conflict and was a resident of this State at the time the person was declared to be a prisoner of war or missing in action;
- (iii) 1. Is at least 16 years old and a son, daughter, stepson, or stepdaughter of any State or local public safety employee killed in the line of duty; or
- 2. Is the surviving spouse of any State or local public safety employee killed in the line of duty;
- (iv) 1. Is a disabled public safety employee;

2. Is at least 16 years old and a son, daughter, stepson, or stepdaughter of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled; or

3. Is the surviving spouse of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled;

(v) Is a veteran, as defined under § 9-901 of the State Government Article, who:

1. Suffers a service connected disability of 25% or greater; and

2. Has exhausted or is no longer eligible for federal veterans' educational benefits;

(vi) Is the surviving spouse of a member of the armed forces who suffered a service connected 100% permanent disability;

(vii) Is at least 16 years old and a son, daughter, stepson, or stepdaughter of or the surviving spouse of a victim of the September 11, 2001, terrorist attacks;

(viii) Is at least 16 years old and a son, daughter, stepson, or stepdaughter of a school employee who, as a result of an act of violence:

1. Died in the line of duty; or

2. Sustained an injury in the line of duty that rendered the school employee 100% disabled; or

(ix) Is the surviving spouse of a school employee who, as a result of an act of violence:

1. Died in the line of duty; or

2. Sustained an injury in the line of duty that rendered the school employee 100% disabled.

(e) *Use; amount.* — A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May not:

(i) Exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland Global Campus and University of Maryland, Baltimore Campus, with the highest annual expenses for a full-time resident undergraduate; and

(ii) Be less than the lesser of:

1. \$3,000; or

2. The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship.

(f) *Edward T. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program.* — (1) Each postsecondary institution shall determine the eligibility of persons who apply to the institution for the Edward T. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program.

(2) Funds for the Edward T. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program shall be allocated by the

Commission to each postsecondary institution based on the number of eligible recipients attending each institution.

(3) In October and February of each year, each postsecondary institution shall report to the Commission the number of eligible recipients attending the institution.

(4) The Commission shall allocate funds for awards to postsecondary institutions upon verification of eligible recipients attending the institutions.

(5) If funds cannot be allocated in the fiscal year in which awards are made, priority shall be given to allocating funds for those awards in the following fiscal year.

(g) *Duration.* — (1) Each recipient of a scholarship under this section may hold the award for 5 years of full-time study or 8 years of part-time study.

(2) The number of eligible recipients under subsection (d)(3)(v) of this section shall be limited to 15 each year.

(3) An award provided under subsection (d)(3)(vii) of this section may not exceed the amount specified in subsection (e)(2) of this section when combined with any other scholarship received by a student based on the student's status as a child or spouse of a victim of the September 11, 2001, terrorist attacks.

(h) *Edward T. Conroy and Jean B. Cryor Scholarship Fund.* — (1) There is an Edward T. Conroy and Jean B. Cryor Scholarship Fund.

(2) The Commission shall administer the Fund.

(3) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(4) The State Treasurer shall hold the Fund and the Comptroller shall account for the Fund.

(5) The Commission:

(i) May accept any gift or grant from any person for the Fund;

(ii) Shall use any gift or grant that it receives for a scholarship from the programs; and

(iii) Shall deposit any gift or grant that it receives for the programs with the State Treasurer. (1990, ch. 221; 1991, ch. 55, § 1; 1993, ch. 66; 1997, ch. 114, § 1; 1998, ch. 21, § 1; 2000, chs. 327, 581; 2001, ch. 298; 2002, ch. 19, § 1; chs. 99, 314; ch. 315, § 6; ch. 429, § 6; 2003, ch. 21, § 7; 2004, ch. 418; 2006, ch. 290, § 1; ch. 407; 2007, ch. 232, § 1; 2009, chs. 60, 607, 608; 2010, ch. 72; 2011, ch. 209; 2012, ch. 123; 2013, chs. 172, 395; 2015, ch. 215; 2016, ch. 8; ch. 25, § 2; 2017, ch. 62, § 1; 2019, ch. 40, § 7.)

Effect of amendments. — Chapter 215, Acts 2015, effective June 1, 2015, added “and Mary A.” in (c)(1); in (d) added “stepson, or stepdaughter” throughout; reenacted (e) without change; and made related changes.

Chapter 8, Acts 2016, approved March 14, 2016, and effective from date of enactment, substituted “subsection (d)(3)(vii)” for “subsection (d)(3)(vi)” in (g)(3).

Section 2, ch. 25, Acts 2016, effective October 1, 2016, enacted pursuant to Article II, § 17(b) of the Maryland Constitution without the Governor's signature, added “Campus” in (e)(2)(i).

Section 1, ch. 62, Acts 2017, approved April 11, 2017, and effective from date of enactment, redesignated (a)(5) and (a)(6) for alphabetical order.

Editor's note. — Section 7, ch. 40, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2019 that

affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor's note following the section

affected." Pursuant to § 7, ch. 40, Acts 2019, "Global Campus" was substituted for "University College" in (e)(2)(i).

§ 18-602. Scholarships for children of firemen or rescue squadmen killed or disabled in line of duty.

(a) *Established.* — There is a program of scholarships for children of volunteer fire fighters or volunteer ambulance or rescue squad members who died or were disabled by an accident resulting from:

(1) Performing any duties necessary to the operation or maintenance of the fire company; or

(2) Actively participating in the ambulance or rescue squad work of an incorporated volunteer fire company or volunteer ambulance or rescue squad in the State.

(b) *Qualifications of recipient.* — The recipient of a scholarship under this section shall be a graduate of an accredited high school.

(c) *Award.* — The Board of Trustees of the Maryland State Firemen's Association, in its discretion, shall:

(1) Determine the amount of each award; and

(2) Select the recipient of each award.

(d) *Source of funds.* — The Maryland State Firemen's Association shall provide the funds for these awards. (An. Code 1957, art. 38A, § 45; 1978, ch. 22, § 2; 1986, ch. 330; 1988, ch. 246, § 2.)

§ 18-603. Reimbursement of firemen and rescue squadmen for tuition costs of programs of study.

Repealed by Acts 2013, ch. 503, § 2, effective October 1, 2015.

§ 18-603.1. Scholarship for firefighters and ambulance and rescue squad members.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) "Eligible institution" means a public or private nonprofit institution of higher education in the State that possesses a certificate of approval from the Commission.

(3) "Fund" means the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Fund.

(4) "Scholarship" means the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship.

(b) *Established.* — There is a Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship.

(c) *Qualifications of applicant.* — An individual may apply to the Office for the scholarship if the individual:

(1) Is a resident of Maryland;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate program at an eligible institution; or

(ii) Is accepted for admission or enrolled in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) Is actively engaged as a career or volunteer firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in the State.

(d) *Use; amount.* — A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May be up to 100% of the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland Global Campus and University of Maryland, Baltimore Campus, with the highest annual expenses for a full-time resident undergraduate for courses credited toward a degree in fire service technology, emergency medical technology, fire service management, or public safety administration with a minor or concentration in fire service technology or fire service management.

(e) *Maintenance of grade point average.* — A scholarship recipient shall maintain a grade point average of at least 2.5 on a 4.0 scale.

(f) *Duration.* — Each recipient of a scholarship under this section may hold the award for 5 years of full-time study or 8 years of part-time study.

(g) *Award.* — A Senator or Delegate may authorize the Office to award all or a portion of the funds authorized under Subtitles 4 and 5 of this title to eligible recipients of scholarships awarded under this section.

(h) *Funding; administration; report.* — (1) Funds for the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship shall be as provided in the annual budget of the Commission by the Governor.

(2) There is a Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Fund in the Commission.

(3) The Commission shall administer the Fund.

(4) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(5) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(6) The Commission:

(i) May accept any gift or grant from any person or corporation for the Fund;

(ii) Shall use any gift or grant that it receives for a scholarship from the Fund; and

(iii) Shall deposit any gift or grant that it receives for the Fund with the State Treasurer.

(7) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly in accordance with § 2-1257 of the State Government Article.

(i) *Work after completion of program.* — A recipient of a scholarship shall work for at least 1 year as a volunteer or career firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in the State after completion of an eligible program in an eligible institution.

(j) *Repayment.* — A scholarship recipient shall repay the Commission the funds received under this section if the recipient does not perform the service obligation required under subsection (i) of this section. (2013, ch. 503, § 1; 2016, ch. 25, § 2; 2019, ch. 40, § 7; ch. 147; ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Section 2, ch. 25, Acts 2016, effective October 1, 2016, enacted pursuant to Article II, § 17(b) of the Maryland Constitution without the Governor’s signature, added the second instance of “Campus” in (d)(2).

Chapter 147, Acts 2019, effective October 1, 2019, deleted (g) and redesignated accordingly; and updated an internal reference in (j).

Editor’s note. — Section 4, ch. 503, Acts 2013, provides that “on October 2, 2015, any funds remaining in the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program shall be transferred to the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Fund as enacted by Section 1 of this Act.”

Section 5, ch. 503, Acts 2013, provides that “the Office of Student Financial Assistance in the Maryland Higher Education Commission shall provide the public with notice of the establishment of the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship as a replacement for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program, in-

cluding posting information on the Office of Student Financial Assistance of the Maryland Higher Education Commission Web site and conducting outreach activities to fire departments and ambulance and rescue squads in the State.”

Section 7, ch. 40, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2019 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 7, ch. 40, Acts 2019, “Global Campus” was substituted for “University College” in (d)(2).

Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

§ 18-604. Veterans of the Afghanistan and Iraq Conflicts Scholarship and Fund.

(a) *Individual who served in Afghanistan or Iraq conflict.* — For purposes of this section, an individual served in the Afghanistan or Iraq conflict if the individual was a member of the uniformed services of the United States who served in:

(1) Afghanistan or contiguous air space, as defined in federal regulations, on or after October 24, 2001, and before a terminal date to be prescribed by the United States Secretary of Defense; or

(2) Iraq or contiguous waters or air space, as defined in federal regulations, on or after March 19, 2003, and before a terminal date to be prescribed by the United States Secretary of Defense.

(b) *Scholarship established.* — There is a Veterans of the Afghanistan and Iraq Conflicts Scholarship.

(c) *Eligibility.* — An individual may apply to the Office for a scholarship under this section if the individual:

(1) Is a resident of Maryland;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate program at an eligible institution; or

(ii) Is accepted for admission or enrolled in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) (i) 1. Is a veteran, as defined under § 9-901 of the State Government Article, who served in the Afghanistan or Iraq conflict;

2. Is an active duty member of the armed forces who served in the Afghanistan or Iraq conflict; or

3. Is a member of a reserve component of the armed forces of the United States or the Maryland National Guard who was activated as a result of the Afghanistan or Iraq conflict described in subsection (a) of this section; or

(ii) Is a son, daughter, or spouse of:

1. A veteran or active duty member of the armed forces who is serving or has served in the Afghanistan or Iraq conflict; or

2. A member of the reserve or Maryland National Guard who was activated as a result of the Afghanistan or Iraq conflict described in subsection (a) of this section.

(d) *Supplemental to other benefits.* — A scholarship awarded under this section shall supplement any federal education benefits for which a recipient qualifies as a result of an individual's military service or status as a dependent of a member of the armed forces or of a veteran of the armed forces.

(e) *Use and amount of scholarship funds.* — (1) Each scholarship may be used, at any eligible institution, to pay for educational expenses as defined by the Office, including:

(i) Tuition and mandatory fees; and

(ii) Room and board.

(2) The annual amount of a scholarship may not exceed 50% of the equivalent annual tuition, mandatory fees, and room and board of a resident undergraduate student at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland Global Campus and University of Maryland, Baltimore Campus, with the highest annual expenses for a full-time resident undergraduate.

(f) *Grade point average required.* — A scholarship recipient shall maintain a grade point average of at least 2.5 on a 4.0 scale.

(g) *Duration.* — Each recipient of a scholarship under this section may hold the award for 5 years of full-time study or 8 years of part-time study.

(h) *Filing deadlines.* — A scholarship recipient shall file for federal and State financial aid by March 1 of each year.

(i) *Deadline for award of initial scholarship.* — (1) The Office may not award an initial scholarship to an individual after June 30, 2020.

(2) The Office may renew a scholarship after June 30, 2020, if the individual received an initial scholarship before that date.

(j) *Authorization of senatorial or delegate scholarships.* — A Senator or Delegate may authorize the Office to award all or a portion of the funds

authorized under Subtitles 4 and 5 of this title to eligible recipients of scholarships awarded under this section.

(k) *Funding; reports.* — (1) Funds for the Veterans of the Afghanistan and Iraq Conflicts Scholarship shall be as provided in the annual budget of the Commission by the Governor.

(2) (i) In this subsection, “Fund” means the Veterans of the Afghanistan and Iraq Conflicts Scholarship Fund.

(ii) There is a Veterans of the Afghanistan and Iraq Conflicts Scholarship Fund in the Commission.

(iii) The Commission shall administer the Fund.

(iv) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(v) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(vi) The Commission:

1. May accept any gift or grant from any person or corporation for the Fund;

2. Shall use any gift or grant that it receives for a scholarship from the Fund; and

3. Shall deposit any gift or grant that it receives for the Fund with the State Treasurer.

(3) (i) At the end of the fiscal year, the Commission shall prepare an annual report on the Fund that includes an accounting of all financial receipts and expenditures to and from the Fund.

(ii) The Commission shall submit a copy of the report to the General Assembly as provided under § 2-1257 of the State Government Article. (2006, ch. 290, § 1; 2008, ch. 604; 2012, ch. 66, § 1; ch. 475; 2013, ch. 172; 2016, ch. 25, § 2; 2019, ch. 40, § 7; ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Section 2, ch. 25, Acts 2016, effective October 1, 2016, enacted pursuant to Article II, § 17(b) of the Maryland Constitution without the Governor’s signature, added “Campus” in (e)(2).

Editor’s note. — Section 7, ch. 40, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any

other Act of the General Assembly of 2019 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 7, ch. 40, Acts 2019, “Global Campus” was substituted for “University College” in (e)(2).

Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

§ 18-605. Richard W. Collins III Leadership With Honor Scholarship Program.

(a) *Established.* — There is a Richard W. Collins III Leadership With Honor Scholarship Program.

(b) *Eligibility.* — An individual is eligible for a scholarship under this section if the individual is:

(1) Eligible for in-State tuition;

(2) A member of a Reserve Officer Training Corps (ROTC) program;
 (3) A minority student or a student who is a member of another group historically underrepresented in Reserve Officer Training Corps (ROTC) programs; and

(4) A student at a historically black college or university in the State.

(c) *Award.* — The Office shall:

(1) Award 25% of its total annual grant money to students at Bowie State University;

(2) Award 75% of its total annual grant money to students at historically black colleges and universities other than Bowie State University;

(3) Determine the amount of each award;

(4) Select the recipient of each award; and

(5) Prioritize students with financial need in selecting recipients of each award.

(d) *Annual appropriation.* — The Governor shall include in the State budget an annual appropriation of at least \$1,000,000 to the Program.

(e) *Procedures or regulations.* — The Office shall adopt procedures or regulations necessary to implement this section. (2018, ch. 597.)

Editor’s note. — Section 2, ch. 597, Acts 2018, provides that the act shall take effect July 1, 2018.

Bill review letter. — Chapter 597, Acts 2018, (Senate Bill 1202) was approved for constitutionality and legal sufficiency. The bill, the “Higher Education — Richard W. Collins III Leadership with Honor Scholarship — Estab-

lishment”, establishes a scholarship program which needs to be carefully implemented so that the racial eligibility consideration is narrowly tailored to further a compelling government interest in increasing the diversity of ROTC programs and therefore maintains constitutionality. (Letter of Attorney General dated May 11, 2018.)

DIVISION IV.

OTHER EDUCATION PROVISIONS.

TITLE 26.

PROHIBITIONS AND PENALTIES.

Subtitle 1. School Security.

§ 26-104. Obstruction, hindrance, or interference with school bus driver during official duties.

(a) *“School bus driver” defined.* — In this section, “school bus driver” means the driver of a school vehicle as defined in § 11-154 of the Transportation Article while employed by or under contract with a local school system.

(b) *Prohibition.* — A person may not obstruct, hinder, or interfere with a school bus driver while the school bus driver is engaged in the performance of the school bus driver’s official duties.

(c) *Penalties.* — Any person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000, imprisonment not exceeding 1 year, or both. (2009, ch. 685; 2018, ch. 619.)

Effect of amendments. — Chapter 619, Acts 2018, effective October 1, 2018, substituted “1 year” for “90 days” in (c).

ENVIRONMENT.

Title 3.

Noise Control.

Subtitle 4. Rulemaking and Enforcement.

Sec.

- 3-401. Environmental noise standards, sound level limits, and noise control rules and regulations — Adoption.

Title 4.

Water Management.

Subtitle 6. Underground Storage Tank Upgrade and Replacement Fund.

- 4-601. Creation and uses of Fund; applicability of subtitle.

Title 6.

Toxic, Carcinogenic, and Flammable Substances.

Subtitle 5. Lead and Mercury Wheel Weights.

- 6-501. Lead and mercury wheel weights.

Subtitle 12. Brominated Flame Retardants.

- 6-1201. Definitions.

- (a) In general.
- (b) DecaBDE.
- (c) OctaBDE.
- (d) PentaBDE.

- 6-1202. Applicability of section; prohibition.

- 6-1202.1. Products that contain decaBDE.

- 6-1203. Enforcement.

- 6-1204. Penalties.

- 6-1205. Regulations.

Title 7.

Hazardous Materials and Hazardous Substances.

Subtitle 2. Controlled Hazardous Substances.

Part I. Definitions; Policy; Scope; Construction.

- 7-201. Definitions.

- (a) In general.
- (b) Controlled hazardous substance.
- (c) Controlled hazardous substance facility.
- (d) Controlled hazardous substance hauler.

Sec.

- (e) Controlled hazardous substance vehicle.
- (f) Controlled hazardous substance vehicle driver.
- (g) Council.
- (h) Discharge.
- (i) Facility.
- (j) Federal act.
- (k) Hauler certificate.
- (l) Hazardous substance.
- (m) Incineration.
- (n) Lender.
- (o) Low-level nuclear waste.
- (p) Low-level nuclear waste facility.
- (q) Low-level nuclear waste facility permit.
- (r) Person.
- (s) Release.
- (t) Responsible person.
- (u) Solid waste.
- (v) Transuranic waste.
- (w) Treatment.
- (x) Vehicle certificate.

Part V. General Provisions.

- 7-229. Immunity of persons providing assistance in connection with release of hazardous substances or materials.

Part VI. Controlled Hazardous Substance Facility Permit.

- 7-232. Permit required.

- 7-240. Denial of application — Grounds.

Part VIII. Enforcement.

- 7-256.1. Administrative search warrants.

- 7-266. Civil penalties.

- 7-266.1. Civil penalties — Punitive damages.

Title 9.

Water, Ice, and Sanitary Facilities.

Subtitle 6. Sanitary Commissions.

Part VI. Operation of Districts.

- 9-663. Control of water use; fire hydrants.

Part IX. Miscellaneous Provisions; Prohibited Acts; Penalties.

- 9-699. Prohibited acts; penalties.

Editor's note. — Section 1, ch. 306, Acts 1987, provides that “Article - Health Environmental of the Annotated Code of Maryland be and it is hereby renamed to be Article - Environment.”

TITLE 3.

NOISE CONTROL.

Subtitle 4. Rulemaking and Enforcement.

§ 3-401. Environmental noise standards, sound level limits, and noise control rules and regulations — Adoption.

(a) *Duty of Department.* — Except as otherwise provided by law, the Department shall adopt environmental noise standards, sound level limits, and noise control rules and regulations as necessary to protect the public health, the general welfare, and property.

(b) *Environmental noise standards.* — In adopting environmental noise standards, the Department or a political subdivision that chooses to adopt environmental noise standards shall consider:

(1) Information published by the Administrator of the United States Environmental Protection Agency on the levels of environmental noise that must be attained and maintained in defined areas under various conditions to protect public health and welfare with an adequate margin of safety; and

(2) Scientific information about the volume, frequency, duration, and other characteristics of noise that may harm public health, safety, or general welfare, including:

(i) Temporary or permanent hearing loss;

(ii) Interference with sleep, speech communication, work, or other human activities;

(iii) Adverse physiological responses;

(iv) Psychological distress;

(v) Harm to animal life;

(vi) Devaluation of or damage to property; and

(vii) Unreasonable interference with the enjoyment of life or property.

(c) *Sound level limits; noise control rules and regulations; exceptions.* — (1) In adopting sound level limits and noise control rules and regulations, the Department or the political subdivision shall consider, among other things:

(i) The residential, commercial, or industrial nature of the area affected;

(ii) Zoning;

(iii) The nature and source of various kinds of noise;

(iv) The degree of noise reduction that may be attained and maintained using the best available technology;

(v) Accepted scientific and professional methods for measurement of sound levels; and

(vi) The cost of compliance with the sound level limits.

(2) The sound level limits adopted under this subsection shall be consistent with the environmental noise standards adopted by the Department.

(3) The sound level limits and noise control rules and regulations adopted under this subsection may not prohibit trapshooting or other target shooting on any range or other property in Frederick County that the Frederick County Department of Planning and Zoning has approved as a place for those sporting events.

(4) The sound level limits and noise control rules and regulations adopted under this subsection shall be as follows for residential heat pumps and air conditioning units:

(i) Residential heat pumps 75 dba; and

(ii) Residential air conditioning units 70 dba.

(5) (i) The sound level limits and noise control rules and regulations adopted under this subsection may not prohibit trapshooting, skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. on any range or other property of a shooting sports club that is chartered and in operation as of January 1, 2001.

(ii) This paragraph does not apply in Allegany County, Anne Arundel County, Baltimore City, Calvert County, Charles County, Garrett County, Howard County, Montgomery County, St. Mary's County, and Washington County.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, the Department may not adopt sound level limits and noise control rules and regulations under this subsection that prohibit trapshooting, skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. in Allegany County, Anne Arundel County, Garrett County, or Washington County on any range or other property of a shooting sports club that is chartered and in operation as of January 1, 2005.

(ii) 1. Subject to the provisions of subparagraph 2 of this subparagraph, the Department may adopt sound level limits and noise control rules and regulations under this subsection that prohibit trapshooting, skeetshooting, or other target shooting between the hours of 9 a.m. and 10 p.m. in Allegany County, Anne Arundel County, Garrett County, or Washington County on any range or other property of a shooting club that the Department determines is not in compliance as of January 1, 2005 with environmental noise standards, sound level limits, or noise control rules and regulations adopted under this title.

2. A sound level limit or noise control rule or regulation adopted under this subsection shall allow trapshooting, skeetshooting, and other target shooting between the hours of 9 a.m. and 10 p.m. by a shooting sports club that the Department determines has become compliant with sound level limits and noise control rules and regulations adopted under this title.

(7) (i) In this paragraph, "main stage" means the primary and usual performance space used by artists or other persons at an outdoor concert venue with a fixed-seat capacity for 4,000 or more individuals.

(ii) Except as provided in subparagraph (iv) of this paragraph, in Howard County, the sound level limits and noise control rules and regulations

adopted under this subsection may not prohibit the electronic amplification of sound at an outdoor concert venue with a capacity of over 15,000 individuals that:

1. Within the area that is included in a 0.25 mile radius of the main stage of the venue, produces sound that, at a residential property line, is:

- A. 85 dba or lower between 9:00 a.m. and 11:00 p.m.; and
- B. 55 dba or lower between 11:00 p.m. and 11:30 p.m.;

2. Within the area that is between a 0.25 mile radius and a 0.75 mile radius of the main stage of the venue, produces sound that, at a residential property line, is:

- A. 72.5 dba or lower between 9:00 a.m. and 11:00 p.m.; and
- B. 55 dba or lower between 11:00 p.m. and 11:30 p.m.; and

3. Within the area that is outside a 0.75 mile radius of the main stage of the venue, produces sound that, at a residential property line, is:

- A. 65 dba or lower between 9:00 a.m. and 11:00 p.m.; and
- B. 55 dba or lower between 11:00 p.m. and 11:30 p.m.

(iii) The limitations concerning the electronic amplification of sound at an outdoor concert venue under subparagraph (ii) of this paragraph apply even if the concert venue uses one or more satellite stages for an event at the venue.

(iv) 1. Except as provided in subparagraph 2 of this subparagraph, an outdoor concert venue with a capacity of over 15,000 individuals may not produce any electronic amplification of sound between 11:30 p.m. and 9:00 a.m.

2. The limitations concerning the electronic amplification of sound at an outdoor concert venue under subparagraph 1 of this subparagraph do not apply to an activity sponsored or authorized by the Howard County Public School System between 8:00 a.m. and 9:00 a.m.

(v) Notwithstanding § 3-105(a)(1) and (2) of this title, the noise control ordinances, rules, or regulations adopted by Howard County and in effect on October 1, 2013, do not apply to the electronic amplification of sound at an outdoor concert venue in the county with a capacity of over 15,000 individuals.

(d) *Exceptions.* — (1) This section does not authorize the Department to adopt environmental noise standards, sound level limits, or noise control rules and regulations that apply to noise from:

- (i) Construction or repair work on public property;
- (ii) Fire or rescue station alerting devices; or
- (iii) In Frederick County or Frederick City:

1. A fair listed in the Maryland Agricultural Fairs and Shows Schedule that is maintained by the Maryland Agricultural Fair Board; or

2. Any other event held on the same grounds as a fair under item 1 of this item.

(2) Noise control rules and regulations that apply to Department of Transportation facilities shall be adopted by the Department of Transportation. (An. Code 1957, art. 43, §§ 823, 824, 828, 830; 1982, ch. 240, § 2; ch. 527; 1983, ch. 338; 1987, ch. 306, § 16; 1988, ch. 6, § 11; 1997, ch. 14, § 1; 2000, ch. 425; 2001, ch. 628; 2003, ch. 239; 2005, ch. 394; 2012, ch. 360; 2013, ch. 43, § 5; ch. 421; 2014, ch. 45; 2016, ch. 8; 2017, ch. 307.)

Effect of amendments. — Chapter 360, Acts 2012, effective October 1, 2012, added “or a political subdivision that chooses to adopt environmental noise standards” in the introductory language of (b); in the introductory language of (c)(1) added “or the political subdivision”; and in (d)(2) deleted “jointly” after “be adopted” and “and the Department of the Environment” at the end.

Chapter 421, Acts 2013, effective October 1, 2013, reenacted (a) without change and added (c)(7).

Chapter 45, Acts 2014, approved April 8, 2014, and effective from date of enactment, made a stylistic change in (c)(4)(i).

Chapter 8, Acts 2016, approved March 14, 2016, and effective from date of enactment, made stylistic changes in (c)(5)(ii).

Chapter 307, Acts 2017, effective June 1, 2017, rewrote (c)(7).

Editor’s note. — Pursuant to § 5, ch. 43, Acts 2013, “of this title” was substituted for “of this article” in (c)(7)(iii).

University of Baltimore Law Review. — For article, “Preservation of Maryland Farmland: A Current Assessment,” see 8 U. Balt. L. Rev. 429 (1979).

Constitutionality. — Territorial classifications of (c)(6) are related rationally to the General Assembly’s legitimate interest in promoting local preferences. *Lonaconing Trap Club v. Inc. Md. Dep’t of the Env’t*, 410 Md. 326, 978 A.2d 702 (2009).

Shooting sports club’s claim that its rights to equal protection were violated because it was the only such club affected by (c)(6)(ii)’s exclu-

sion of clubs deemed non-compliant as of 1 January 2005 failed, as it did not satisfy its burden to establish that (c)(6)(ii) lacked a rational basis, and it did not explain how it was treated differently from similarly-situated shooting sports clubs. *Lonaconing Trap Club v. Inc. Md. Dep’t of the Env’t*, 410 Md. 326, 978 A.2d 702 (2009).

Duty of Department. — Adoption of (c)(6) was not a new grant of authority that required the Maryland Department of the Environment to promulgate new noise regulations. *Lonaconing Trap Club v. Inc. Md. Dep’t of the Env’t*, 410 Md. 326, 978 A.2d 702 (2009).

Shooting sports clubs. — Sixty decibel sound limit required by Maryland Department of the Environment regulation prior to and on 1 January 2005 applies to shooting sports clubs that are excluded from the general exemption of (c)(6)(i) for existing clubs in the applicable counties. *Lonaconing Trap Club v. Inc. Md. Dep’t of the Env’t*, 410 Md. 326, 978 A.2d 702 (2009).

Nuisance actions. — Even if a gun club in Anne Arundel qualified for an exemption under regulations promulgated under (c) because its activities constituted sporting, amusement, and entertainment events, the exemption would not bar persons who reside in a residential district from seeking equitable relief from a nuisance created by the gun club. *Anne Arundel County Fish & Game Conservation Ass’n v. Carlucci*, 83 Md. App. 121, 573 A.2d 847, cert. denied, 320 Md. 800, 580 A.2d 218 (1990).

Cited in *Willow Tree Learning Ctr., Inc. v. Prince George’s County*, 85 Md. App. 508, 584 A.2d 157 (1991).

TITLE 4.

WATER MANAGEMENT.

Subtitle 6. Underground Storage Tank Upgrade and Replacement Fund.

§ 4-601. Creation and uses of Fund; applicability of subtitle.

(a) *Fund established.* — There is an Underground Storage Tank Upgrade and Replacement Fund.

(b) *Uses of Fund.* — The Fund shall be used to provide loans to owners of underground storage tanks to finance eligible costs of upgrading and replacing underground storage tanks.

(c) *Applicability of subtitle.* — The provisions of this subtitle do not apply to underground storage tanks:

- (1) That are exempt under § 4-409(b)(3) of this title;
- (2) That are owned by the State or a county or a municipal government;
- (3) That are owned by a local education agency; or

(4) That are owned by a paid or volunteer fire company or rescue squad. (1991, ch. 515; 1995, ch. 377; 2006, ch. 44, § 6.)

Editor's note. — Section 2, ch. 377, Acts 1995, provides that “this Act shall be construed retroactively and shall be applied to and interpreted to affect all underground storage tanks owned by a paid or volunteer fire company or rescue squad on or after July 1, 1991.”

TITLE 6.

TOXIC, CARCINOGENIC, AND FLAMMABLE SUBSTANCES.

Subtitle 5. Lead and Mercury Wheel Weights.

§ 6-501. Lead and mercury wheel weights.

(a) *In general.* — (1) A motor vehicle or tire manufacturer, wholesaler, or retailer, motor vehicle repair facility, or any other person who installs wheel weights may not use, allow to be used, or sell an externally attached lead wheel weight that is composed of greater than 0.1% lead by weight or greater than 0.1% mercury by weight during the first tire installation, replacement, or balancing after January 1, 2020, for all new and used vehicles registered in the State.

(2) The State shall ensure that no vehicle purchased for the State fleet after January 1, 2019, is equipped with an externally attached lead wheel weight that is composed of greater than 0.1% lead by weight or greater than 0.1% mercury by weight.

(3) Each tire on a vehicle in the State fleet that is balanced or replaced after January 1, 2018, may not be equipped with a lead wheel weight that is composed of greater than 0.1% lead by weight or greater than 0.1% mercury by weight.

(b) *Proper recycling.* — Lead and mercury wheel weights removed and collected shall be properly recycled.

(c) *Violations; warning notice.* — (1) The Department shall send a warning notice to a person that violates this section.

(2) If the person continues to fail to comply with this section 1 year after receipt of the warning notice, the person is subject to a civil fine not exceeding \$1,000 for each subsequent offense after the warning period. (2017, ch. 385.)

Editor's note. — Section 2, ch. 385, Acts 2017, provides that the act shall take effect October 1, 2017. Former Subtitle 5, §§ 6-501 to 6-504, was repealed by Acts 2014, chs. 548, 549, § 1, effective October 1, 2014.

Subtitle 12. Brominated Flame Retardants.

§ 6-1201. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *DecaBDE.* — “DecaBDE” means decabrominated diphenyl ether.

(c) *OctaBDE.* — “OctaBDE” means octabrominated diphenyl ether.

(d) *PentaBDE*. — “PentaBDE” means pentabrominated diphenyl ether. (2005, ch. 522; 2010, ch. 320; 2011, chs. 197, 198.)

Effect of amendments. — Chapters 197 and 198, Acts 2011, enacted May 10, 2011, and effective from date of enactment, reenacted (a) and (b) without change.

§ 6-1202. Applicability of section; prohibition.

(a) *Recyclables*. — This section does not apply to the processing of recyclables containing pentaBDE or octaBDE that is conducted in compliance with all applicable federal, State, and local laws.

(b) *Original equipment replacement service parts*. — This section does not apply to original equipment manufacturer replacement service parts or other products manufactured prior to October 1, 2008, if the parts or products were manufactured in compliance with applicable federal, State, and local laws.

(c) *Prohibition*. — On or after October 1, 2008, a person may not manufacture, process, sell, or distribute in the State a new product or flame-retardant part of a new product that contains more than one-tenth of 1% of pentaBDE or octaBDE by mass. (2005, ch. 522.)

§ 6-1202.1. Products that contain decaBDE.

(a) *Definitions*. — (1) In this section, “transportation equipment”, “military equipment”, and “components of transportation or military equipment” do not include shipping pallets used to transport unpackaged fruits and vegetables.

(2) This section does not apply to:

(i) Original equipment manufacturer replacement service parts or other products manufactured before January 1, 2011, if the part or products were manufactured in compliance with applicable federal, State, and local laws; and

(ii) 1. A vehicle, as defined in § 11-176 of the Transportation Article;

2. An aircraft, as defined in § 5-101 of the Transportation Article; or

3. A product, part, or replacement part for use in a vehicle or aircraft.

(b) *Prohibitions — Beginning on December 31, 2010 and December 31, 2012*. — (1) Beginning on December 31, 2010, a person may not manufacture, lease, sell, or distribute for sale or lease in the State any of the following products that contain more than one-tenth of 1% of decaBDE by mass:

(i) Mattresses;

(ii) Upholstered furniture designed for residential use; and

(iii) Electrical or electronic equipment.

(2) Except as provided in paragraph (3) of this subsection, beginning on December 31, 2012, a person may not manufacture, lease, sell, or distribute for sale or lease in the State any product that contains more than one-tenth of 1% of decaBDE by mass.

(3) Paragraph (2) of this subsection does not apply to:

(i) Transportation equipment;

(ii) Military equipment; or

(iii) Components of transportation or military equipment.

(c) *Prohibitions — On or after December 31, 2013.* — On or after December 31, 2013, a person may not manufacture, lease, sell, or distribute for sale or lease in the State the following products that contain more than one-tenth of 1% of decaBDE by mass:

- (1) Transportation equipment;
- (2) Military equipment; or
- (3) Components of transportation or military equipment.

(d) *Exceptions.* — This section does not prohibit:

(1) A retailer that is in possession of a product prohibited for manufacture, lease, sale, or distribution for sale or lease under subsections (b) and (c) of this section from selling, recycling, or otherwise disposing of a product that is in the retailer's or lessor's inventory on or after the date that the prohibition takes effect;

(2) A person from recycling a product that contains decaBDE;

(3) A person from selling, leasing, recycling, or otherwise disposing of a product that contains recycled decaBDE;

(4) Any activity involving a product that contains decaBDE that occurs subsequent to first sale at retail; or

(5) A person from transporting or storing a product prohibited under subsections (b) and (c) of this section for later distribution outside the State. (2010, ch. 320; 2011, chs. 197, 198.)

Effect of amendments. — Chapters 197 and 198, Acts 2011, enacted May 10, 2011, and effective from date of enactment, added (a)(2), redesignated accordingly, and made related

changes; and in the introductory language of (b)(1) and (c) and in (b)(2) substituted “more than one-tenth of 1% of decaBDE by mass” for “decaBDE”.

§ 6-1203. Enforcement.

(a) *In general.* — To enforce the provisions of this subtitle, the Department may:

(1) Notify a person that there are grounds for suspecting that the person may be in violation of this subtitle; and

(2) Request that the person certify that the product or flame-retardant part of the product that the person manufactured, processed, sold, or distributed is in compliance with this subtitle.

(b) *Injunction.* — If the person fails to certify that the product or flame-retardant part of the product is in compliance, the Department may seek an injunction under § 6-1204 of this subtitle. (2005, ch. 522.)

§ 6-1204. Penalties.

(a) *Civil penalty.* — (1) Any person who violates any provision of this subtitle or any regulation adopted under this subtitle, including making a false statement in a certificate of compliance, shall be liable to the State for a civil penalty of up to \$1,000 for each violation, but not exceeding a total of \$10,000 for any action.

(2) Each product or flame-retardant part of a product in violation constitutes a separate violation.

(3) The State shall recover the civil penalties under this subsection in a civil action in any county.

(b) *Fine.* — Any person who previously has been assessed a civil penalty under this section and who willfully violates any provision of this subtitle or any regulation adopted under this subtitle, including making a false statement in a certificate of compliance, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$20,000.

(c) *Injunction.* — The Department may seek an injunction against any person who violates or threatens to violate any provision of this subtitle or any regulation adopted under this subtitle. (2005, ch. 522.)

§ 6-1205. Regulations.

The Department may adopt regulations necessary for the implementation of this subtitle. (2005, ch. 522.)

TITLE 7.

HAZARDOUS MATERIALS AND HAZARDOUS SUBSTANCES.

Subtitle 2. Controlled Hazardous Substances.

Part I. Definitions; Policy; Scope; Construction.

§ 7-201. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Controlled hazardous substance.* — “Controlled hazardous substance” means:

(1) Any hazardous substance that the Department identifies as a controlled hazardous substance under this subtitle; or

(2) Low-level nuclear waste.

(c) *Controlled hazardous substance facility.* — (1) “Controlled hazardous substance facility” means a disposal structure, system, or geographic area, designated by the Department for treatment, storage related to treatment or disposal, or disposal of controlled hazardous substances.

(2) “Controlled hazardous substance facility” includes:

(i) A low-level nuclear waste facility; and

(ii) An operating landfill that, under § 7-232(b) of this subtitle, has a permit equivalent to a facility permit.

(d) *Controlled hazardous substance hauler.* — “Controlled hazardous substance hauler” means a person who has a hauler certificate issued by the Department to transport controlled hazardous substances.

(e) *Controlled hazardous substance vehicle.* — “Controlled hazardous substance vehicle” means a vehicle that the Department has certified as suitable for use to transport controlled hazardous substances.

(f) *Controlled hazardous substance vehicle driver.* — “Controlled hazardous substance vehicle driver” means a person who operates a controlled hazardous substance vehicle.

(g) *Council.* — “Council” means the Controlled Hazardous Substances Advisory Council.

(h) *Discharge.* — “Discharge” means:

(1) The addition, introduction, leaking, spilling, or emitting of a pollutant into the waters of this State; or

(2) The placing of a pollutant in a location where the pollutant is likely to pollute.

(i) *Facility.* — “Facility permit” means a permit issued by the Department to establish, operate, or maintain a controlled hazardous substance facility.

(j) *Federal act.* — “Federal act” means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended through January 1, 2003.

(k) *Hauler certificate.* — “Hauler certificate” means a certificate issued by the Department that permits a person to be a controlled hazardous substance hauler.

(l) *Hazardous substance.* — “Hazardous substance” means any substance:

(1) Defined as a hazardous substance under § 101(14) of the federal act; or

(2) Identified as a controlled hazardous substance by the Department in the Code of Maryland Regulations.

(m) *Incineration.* — “Incineration” means thermal treatment or decomposition of a waste heat.

(n) *Lender.* — “Lender” means a person who is:

(1) A holder of a mortgage or deed of trust on a site or a security interest in property located on a site; or

(2) A holder of a mortgage or deed of trust who acquires title through foreclosure or deed in lieu of foreclosure.

(o) *Low-level nuclear waste.* — “Low-level nuclear waste” means a substance that:

(1) Contains or is contaminated with radioactive material emitting primarily beta or gamma radiation; and

(2) Is neither transuranic waste nor high-level nuclear waste.

(p) *Low-level nuclear waste facility.* — “Low-level nuclear waste facility” means a controlled hazardous substance facility for low-level nuclear waste.

(q) *Low-level nuclear waste facility permit.* — “Low-level nuclear waste facility permit” means a facility permit issued by the Department for a low-level nuclear waste facility.

(r) *Person.* — “Person” includes the federal government, this State, any county, municipal corporation, or other political subdivision of this State, and any of their units.

(s) *Release.* — “Release” means the addition, introduction, leaking, spilling, emitting, discharging, escaping, or leaching of any hazardous substance into the environment.

(t) *Responsible person.* — (1) “Responsible person” means any person who:

(i) Is the owner or operator of a vehicle or a site containing a hazardous substance;

(ii) At the time of disposal of any hazardous substance, was the owner or operator of any site at which the hazardous substance was disposed;

(iii) By contract, agreement, or otherwise, arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of a hazardous substance owned or possessed by such person, by any other party or entity, at any site owned or operated by another party or entity and containing such hazardous substances; or

(iv) Accepts or accepted any hazardous substance for transport to a disposal or treatment facility or any sites selected by the person.

(2) "Responsible person" does not include:

(i) A person who can establish by a preponderance of the evidence that at the time the person acquired an interest in a site containing a hazardous substance the person did not know and had no reason to know that any hazardous substance which is the subject of the release or threatened release was disposed of on, in, or at the site; however, any person claiming an exemption from liability under this subparagraph must establish that the person had no reason to know, in accordance with § 101(35)(B) of the federal act, and that the person satisfied the requirements of § 107(b)(3)(a) of the federal act;

(ii) A person who acquired a property containing a hazardous substance by inheritance or bequest at the death of the transferor;

(iii) A person who, without participating in the day-to-day management of a site containing a hazardous substance, holds indicia of ownership in the site or in property located on the site primarily to protect a valid and enforceable lien unless that person directly causes the discharge of a hazardous substance on or from the site;

(iv) A holder of a mortgage or deed of trust on a site containing a hazardous substance or a holder of a security interest in property located on the site who does not participate in the day-to-day management of the site unless that holder directly causes the discharge of a hazardous substance on or from the site;

(v) A fiduciary who has legal title to a site containing a hazardous substance or to property located on the site containing a hazardous substance for purpose of administering an estate or trust of which the site or property located on the site is a part unless the fiduciary:

1. Participates in the day-to-day management of the site or property;

or

2. Directly causes the discharge of a hazardous substance on or from the site;

(vi) A holder of a mortgage or deed of trust who acquires title to a site containing a hazardous substance through foreclosure or deed in lieu of foreclosure who:

1. Does not participate in the day-to-day management of the site; and

2. Does not directly cause the discharge of a hazardous substance on or from the site;

(vii) Except in the case of gross negligence or willful misconduct, an owner or operator who is:

1. A state, county, or municipal government;
2. Any other political subdivision of the State; or
3. Any unit of a state, county, or municipal government or any other political subdivision;

(viii) A holder of a mortgage or deed of trust who acquires title to an eligible property as defined in Subtitle 5 of this title subject to a written agreement in accordance with Subtitle 5 of this title provided that the holder complies with the requirements, prohibitions, and conditions of the agreement;

(ix) Subject to paragraph (3) of this subsection, a lender who extends credit for the performance of removal or remedial actions conducted in accordance with requirements imposed under this title who:

1. Has not caused or contributed to a release of hazardous substances; and
2. Previous to extending that credit, is not a responsible person at the site;

(x) Subject to paragraph (3) of this subsection, a lender who takes action to protect or preserve a mortgage or deed of trust on a site or a security interest in property located on a site at which a release or threatened release of a hazardous substance has occurred, by stabilizing, containing, removing, or preventing the release of a hazardous substance in a manner that does not cause or contribute to a release or significantly increase the threat of release of a hazardous substance at the site if:

1. The lender provides advance written notice of its actions to the Department or in the event of an emergency in which action is required within 2 hours, provides notice by telephone;

2. The lender, previous to taking the action, is not a responsible person for the site; and

3. The action taken does not violate a provision of this article; or

(xi) A person who receives a response action plan approval letter as an inculperable person or the person's successor in title who is also an inculperable person under Subtitle 5 of this title and who does not cause or contribute to new contamination or exacerbate existing contamination as provided in §§ 7-505 and 7-514 of this title.

(3) A lender taking action to protect or preserve a mortgage or deed of trust or security interest in a property located on a site, who causes or contributes to a release of a hazardous substance shall be liable solely for costs incurred as a result of the release which the lender caused or to which the lender contributed unless the lender was a responsible person prior to taking the action.

(4) (i) Paragraph (2)(i) of this subsection does not affect the liability of a previous owner or previous operator of a site containing a hazardous substance if the previous owner or previous operator is a responsible person under paragraph (1)(ii) of this subsection.

(ii) Notwithstanding paragraph (2)(i) of this subsection, a person shall be treated as a responsible person if the person:

1. Obtained actual knowledge of the release or threatened release of a hazardous substance at a site when the person owned the real property; and

2. Transferred ownership of the property after June 30, 1991 without disclosing this knowledge to the transferee.

(iii) Nothing in paragraph (2)(i) of this subsection shall affect the liability under this subtitle of a person who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance at a site which is the subject of the action relating to the site if at the time of the act or omission the person knew or had reason to know that the act or omission would cause or contribute to the release or threatened release of a hazardous substance.

(5) Notwithstanding paragraph (2)(ii) of this subsection, a person shall be treated as a responsible person if the person:

(i) Knew or had reason to know of the release or threatened release of a hazardous substance at the site; and

(ii) Transferred ownership of the property after June 30, 1991 without disclosing this knowledge to the transferee.

(6) (i) For purposes of paragraph (2)(iii), (iv), (v), and (vi) of this subsection, "management" means directing or controlling operations, production or treatment of a hazardous substance, storage or disposal of a hazardous substance, or remediation of a hazardous substance release.

(ii) "Management" does not include rendering advice on financial matters, rendering financial assistance, or actions taken to protect or secure the site or property located on the site if the advice, assistance, or actions do not involve the treatment, storage, or disposal of a hazardous substance or remediation of a hazardous substance release.

(7) A person who owns real property is not considered an owner or operator of a vehicle or site containing a hazardous substance under paragraph (1)(i) of this subsection solely by reason of contamination from a contiguous or otherwise similarly situated real property if:

(i) The person does not own the contiguous or otherwise similarly situated real property;

(ii) The person's real property is or may be contaminated by a release or threatened release of a hazardous substance from the contiguous to or otherwise similarly situated real property; and

(iii) The person meets the requirements of Section 107(q) of the federal act and any regulations adopted by the Department implementing or interpreting the requirements of that section.

(u) *Solid waste*. — (1) "Solid waste" means any:

(i) Abandoned material or substance which is disposed of, burned, or incinerated or accumulated, stored, or treated before or in lieu of being disposed of, burned, or incinerated;

(ii) Material or substance which is recycled or accumulated, stored, or treated before recycling; or

(iii) Material or substance which is considered inherently waste-like.

(2) "Solid waste" does not include:

(i) Domestic sewage that passes through a sewer system to a publicly owned treatment work for treatment;

(ii) Industrial wastewater discharges that are point source discharges permitted under §§ 9-324 through 9-332 of this article;

(iii) Irrigation return flows;

(iv) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process; or

(v) Material that is excluded by any rule or regulation adopted under this subtitle.

(v) *Transuranic waste*. — “Transuranic waste” means waste material that is measured or assumed to contain at least 10 nanocuries or more of transuranic activity per gram of waste.

(w) *Treatment*. — “Treatment” means any method, technique, or process, including neutralization, that is designed to change the physical, chemical, or biological character or composition of any controlled hazardous substance so as to neutralize or render the waste nonhazardous, safer for transport, or reduced in volume.

(x) *Vehicle certificate*. — “Vehicle certificate” means a certificate issued by the Department for a vehicle to be a controlled hazardous substance vehicle. (NR § 8-1413.2; An. Code 1957, art. 43, § 689B; 1982, ch. 240, § 2; ch. 439; 1983, ch. 583, §§ 1, 2; 1984, chs. 255, 650; ch. 743, §§ 1, 2; 1986, ch. 609; ch. 713, §§ 1, 2; 1988, ch. 6, § 1; 1989, ch. 409; 1991, ch. 154; 1992, ch. 538; 1997, chs. 1, 2; 2003, ch. 466; 2004, ch. 25; 2006, ch. 44, § 6; 2012, ch. 176.)

Effect of amendments. — Chapter 176, Acts 2012, effective July 1, 2012, substituted “who operates” for “whom the Department has certified to operate” in (f); and deleted (i) and redesignated accordingly.

Editor’s note. — Section 2, ch. 609, Acts 1986, provides that “this Act may not be regarded as relieving any governmental units of any legal responsibilities under any other applicable State or federal law.”

Section 2, ch. 538, Acts 1992, provides that “a presently existing obligation or contract right may not be impaired in any way by this Act.”

The references to § 101(14) of the federal act, in (l)(1), and §§ 101(35)(B) of the federal act and 107(b)(3)(a) of the federal act, in (t)(2)(i), refer to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and are codified at 42 U.S.C.S. 9601(14),

42 U.S.C.S. 9601(35)(B), and 42 U.S.C.S. 9607(b)(3)(a), respectively.

Maryland Law Review. — For article, “Survey of Developments in Maryland Law, 1984-85,” see 45 Md. L. Rev. 794 (1986).

University of Baltimore Law Review. — For comment concerning federal, State and local regulation of hazardous and nonhazardous waste management, see 17 U. Balt. L. Rev. 114 (1987).

Items persisting in environment classified as “hazardous.” — Items which persist in environment are properly classified as “hazardous substances” rather than “controlled hazardous substances.” *Thomas v. State, Dep’t of Health & Mental Hygiene*, 62 Md. App. 166, 488 A.2d 983 (1985).

Cited in *Bausch & Lomb, Inc. v. Utica Mut. Ins. Co.*, 330 Md. 758, 625 A.2d 1021 (1993).

Part V. General Provisions.

§ 7-229. Immunity of persons providing assistance in connection with release of hazardous substances or materials.

A person who is called on for assistance in an emergency has the immunity from civil liability or penalty described under § 5-617 of the Courts and Judicial Proceedings Article as a result of assistance or advice rendered in:

(1) Mitigating the effects of an actual or threatened discharge of a hazardous substance or material;

- (2) Preventing a discharge of a hazardous substance or material;
- (3) Cleaning up a discharge of a hazardous substance or material; or
- (4) Attempting any of the acts in this subsection. (1984, ch. 228; 1990, ch. 546, § 3; 1997, ch. 14, § 20.)

Part VI. Controlled Hazardous Substance Facility Permit.

§ 7-232. Permit required.

(a) *In general.* — A person shall hold a facility permit before the person may own, establish, operate, or maintain a controlled hazardous substance facility in this State.

(b) *Equivalent permit.* — Subject to § 7-233 of this subtitle, if the Department determines that a permit issued under Title 9, Subtitle 2 of this article is sufficient to carry out the purposes of this subtitle, that permit shall be considered a facility permit for purposes of this subtitle, subject to the fee and other provisions of this subtitle.

(c) *Separate permit required for each facility.* — A separate facility permit is required for each controlled hazardous substance facility that a person owns, establishes, maintains, or operates. (NR § 8-1413.2; 1982, ch. 240, § 2; 1984, ch. 464; 1986, ch. 396, § 1.)

Maryland Law Review. — For article, “Survey of Developments in Maryland Law, 1984-85,” see 45 Md. L. Rev. 794 (1986).

Financial assurances. — The Department of Environment acted within its authority in allowing facility permit holders to maintain a corporate guarantee that satisfies the financial assurance requirements in the pertinent fed-

eral regulation. 75 Op. Att’y Gen. 213 (February 8, 1990).

Cited in Thomas v. State, Dep’t of Health & Mental Hygiene, 62 Md. App. 166, 488 A.2d 983 (1985); Days Cove Reclamation Co. v. Queen Anne’s County, 146 Md. App. 469, 807 A.2d 156 (2002), cert. denied, 372 Md. 431, 813 A.2d 258 (2002).

§ 7-240. Denial of application — Grounds.

The Department may deny an application for a facility permit if the Department finds that:

(1) The controlled hazardous substance facility cannot handle, treat, store, or dispose of a particular controlled hazardous substance without imposing an undue risk to the environment; or

(2) The owner of the land or any person making application has violated:

(i) Any law of this or any other state concerning controlled hazardous substances; or

(ii) Any rule or regulation or permit condition of this or any other state concerning controlled hazardous substances. (NR § 8-1413.2; 1982, ch. 240, § 2; 1984, ch. 650.)

Part VIII. Enforcement.

§ 7-256.1. Administrative search warrants.

(a) *Application for warrant — In general.* — An authorized official or employee of the Department may apply to a judge of the District Court or a

circuit court for an administrative search warrant to enter any factory, warehouse, vehicle, building, establishment, or other premises to conduct any inspection required or authorized by law to determine compliance with the provisions of this subtitle relating to controlled hazardous substances.

(b) *Application for warrant — Form; contents; approval by Attorney General required.* — (1) The application shall be in writing and signed and sworn to by the applicant and shall particularly describe the place, structure, premises, vehicle, or records to be inspected and the nature, scope, and purpose of the inspection to be performed by the applicant.

(2) Before the filing of a search warrant application with a court, it shall be approved by the Attorney General of Maryland as to its legality in both form and substance under the standards and criteria of this section; and a statement to this effect shall be included as part of the application.

(c) *Bases for issuance of warrant.* — A judge of a court referred to in subsection (a) of this section may issue the warrant on finding that:

(1) The applicant has sought access to the property for the purpose of making an inspection; and

(i) After requesting, at a reasonable time, the owner, tenant, or other individual in charge of the property to allow access, has been denied access to the property; or

(ii) After making a reasonable effort, has been unable to locate any of these individuals;

(2) The requirements of subsection (b) of this section are met;

(3) The official or employee of the Department is authorized or required by law to make an inspection of the property for which the warrant is sought; and

(4) Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of an existing violation of any provision of this subtitle or any rule or regulation adopted under this subtitle or by showing:

(i) That a reasonable administrative inspection program exists regarding controlled hazardous substances; and

(ii) That the proposed inspection comes within that program.

(d) *Specificity required as to place or thing to be inspected.* — An administrative search warrant issued under this section shall specify the place, structure, premises, vehicle, or records to be inspected. The inspection conducted may not exceed the limits specified in the warrant.

(e) *Scope of authorized activity.* — An administrative search warrant issued under this section authorizes the applicant and other officials or employees of the Department to enter the specified property to perform the inspection, sampling, and other functions authorized by law to determine compliance with the provisions of this subtitle relating to controlled hazardous substances.

(f) *Time period for return of warrant.* — An administrative search warrant issued under this section shall be executed and returned to the judge by whom it was issued within:

(1) The time specified in the warrant, not to exceed 30 days; or

(2) If no time period is specified in the warrant, 15 days from the date of its issuance.

(g) *Information obtained considered confidential.* — Any information obtained pursuant to an administrative search warrant shall be considered as confidential and may not be disclosed except to the extent utilized in an administrative or judicial proceeding. (1983, ch. 115; 1988, ch. 6, § 1.)

§ 7-266. Civil penalties.

(a) *Civil action.* — In addition to being subject to an injunctive action under this subtitle, a person who violates any provision of this subtitle or of any rule, regulation, order, hauler certificate, vehicle certificate, or facility permit adopted or issued under this subtitle is liable to a civil penalty not exceeding \$25,000, to be collected in a civil action. Each day a violation occurs is a separate violation under this subsection.

(b) *Administrative action.* — (1) In addition to any other remedies available at law or in equity and after an opportunity for a hearing which may be waived in writing by the person accused of a violation, the Department may impose a penalty for violation of any provision of this subtitle or any rule, regulation, order, hauler certificate, vehicle certificate, driver certificate, or facility permit adopted or issued under this subtitle.

(2) The penalty imposed on a person under this subsection shall be:

(i) Up to \$25,000 for each violation, but not exceeding \$100,000 total; and

(ii) Assessed with consideration given to:

1. The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

2. Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of this State or the natural resources of this State;

3. The cost of cleanup and the cost of restoration of natural resources;

4. The nature and degree of injury to or interference with general welfare, health, and property;

5. The extent to which the location of the violation, including location near waters of this State or areas of human population, creates the potential for harm to the environment or to human health or safety;

6. The available technology and economic reasonableness of controlling, reducing, or eliminating the violation;

7. The degree of hazard posed by the particular waste material or materials involved; and

8. The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

(3) Each day a violation occurs is a separate violation under this subsection.

(4) Any penalty imposed under this subsection is payable to this State and collectible in any manner provided at law for the collection of debts.

(5) If any person who is liable to pay a penalty imposed under this subsection fails to pay it after demand, the amount, together with interest and any costs that may accrue, shall be:

(i) A lien in favor of this State on any property, real or personal, of the person; and

(ii) Recorded in the office of the clerk of court for the county in which the property is located.

(6) Any penalty collected under this subsection shall be placed in a special fund to be used for monitoring and surveillance by the Department to assure and maintain an adequate record of any violations, including discharge of waste material and other pollutants into the waters of this State or into the environment. (1982, ch. 24, § 2; 1983, chs. 99, 573; ch. 583, § 2; 1986, ch. 45; 1987, ch. 11, § 1; 1991, ch. 154.)

Civil penalty unconditional. — This section authorizes the agency to assess a civil penalty for a violation, and the penalty is not conditioned upon a finding that the violation caused actual harm to the environment. *American Recovery Co. v. Department of Health & Mental Hygiene*, 306 Md. 12, 506 A.2d 1171 (1986).

Willfulness. — This section requires an administrative law judge (ALJ) to consider both the extent to which the existence of the violation of the Maryland Reduction of Lead Risk in Housing Act was known to but uncorrected by

the violator, and the extent to which the violator exercised reasonable care before finding that a violation was willful; the ALJ does not have to find both elements to be present to determine willfulness, but simply has to consider both parts of the willfulness definition and make appropriate findings thereunder. *Okoro v. Md. Dep't of the Env't*, 223 Md. App. 198, 115 A.3d 709 (2015).

Cited in *Reisch v. State*, 107 Md. App. 464, 668 A.2d 970 (1995), cert. denied, 675 A.2d 993 (1996).

§ 7-266.1. Civil penalties — Punitive damages.

(a) *In general.* — In addition to being subject to penalties under §§ 7-266 and 7-267 of this subtitle and cost recovery under § 7-221 of this subtitle, a responsible person who fails without sufficient cause to comply with a final order issued under this subtitle is subject to punitive damages, not exceeding three times the amount of any costs that are incurred by the State:

(1) After the date of the final decision as provided in subsection (b) of this section; and

(2) As a result of the responsible person's failure to comply with the final order.

(b) *Procedure.* — (1) Before seeking the punitive damages authorized by subsection (a) of this section, the Department shall issue to the responsible person a determination that the responsible person failed without sufficient cause to comply with a final order issued under this subtitle.

(2) A responsible person subject to a determination issued by the Department under paragraph (1) of this subsection is entitled to a contested case hearing to determine whether the responsible person had sufficient cause for the failure to comply with the final order.

(3) Following a final decision upholding the determination issued by the Department, the State may commence a civil action against the responsible person to recover the punitive damages. (2004, chs. 72, 73.)

TITLE 9.

WATER, ICE, AND SANITARY FACILITIES.

Subtitle 6. Sanitary Commissions.

Part VI. Operation of Districts.

§ 9-663. Control of water use; fire hydrants.

(a) *Authority of sanitary commission.* — A sanitary commission:

(1) Shall control the use of water in its district; and

(2) Has jurisdiction over each fire hydrant connected to a system operated by the district.

(b) *Water conservation orders.* — If a sanitary commission determines that there is a shortage of water or that the supply of water should be conserved, the sanitary commission may:

(1) Issue an order that requires the conservation of water; and

(2) Include in the order specific requirements for conserving water use.

(c) *Water conservation orders — Notice.* — The sanitary commission shall publish the order in a newspaper published in each member county covered by the order.

(d) *Water conservation orders — Compliance.* — Each water user shall obey the order of the sanitary commission, effective with the earlier of:

(1) The first publication of the order; or

(2) Receipt of the order from the sanitary commission.

(e) *Water conservation orders — Disconnecting for violation.* — Without notice, the sanitary commission may disconnect the water supply of any person who violates the order.

(f) *Right of entry.* — (1) To prevent waste of water, a representative of a sanitary commission at any reasonable time may enter any property connected to a system operated by the district and inspect the plumbing system on the property.

(2) On entering any property, the representative of the sanitary commission shall present appropriate credentials to the owner, operator, or agent in charge.

(3) After the inspection, the representative of the sanitary commission may order necessary changes to the plumbing system:

(i) To eliminate leaks;

(ii) To prevent water loss; and

(iii) To prevent unnecessary or improper use of sewers. (An. Code 1957, art. 43, § 660; 1982, ch. 240, § 2.)

Part IX. Miscellaneous Provisions; Prohibited Acts; Penalties.

§ 9-699. Prohibited acts; penalties.

(a) *Prohibited acts.* — A person may not:

(1) Interfere with an inspection made under authority of § 9-606 of this subtitle;

(2) Violate § 9-661 of this subtitle by failing:

(i) To maintain at least 1 sanitary toilet and wash basin as a part of any plumbing system that is used on any parcel after it is connected to a connector; or

(ii) To disconnect and close each cesspool, sink, drain, and privy on a parcel after it is connected to a connector;

(3) Violate a water conservation order;

(4) Construct or operate an independent system in violation of § 9-664 of this subtitle;

(5) Fail to move an obstruction in violation of § 9-669 of this subtitle;

(6) Fail, in violation of § 9-697(a) of this subtitle, to perform any act required of that person in paying principal or interest on bonds issued under this subtitle;

(7) Use, for any purpose other than repaying in accordance with this subtitle, any funds that, under this subtitle, are required to be used to pay principal and interest on bonds;

(8) Violate § 9-698 of this subtitle;

(9) Operate, or make any connection to a fire hydrant, unless the act is done:

(i) With written permission of the sanitary commission; or

(ii) By a fire department in discharge of its duties; or

(10) Deface, damage, or obstruct a fire hydrant.

(b) *Penalties.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment in jail not exceeding 30 days or both. (An. Code 1957, art. 43, §§ 658-660, 666-669; 1982, ch. 240, § 2; 1988, ch. 6, § 1.)

FAMILY LAW.

Title 10.

Support in General.

Subtitle 2. Criminal Nonsupport and Desertion.

Part III. Desertion of Minor Child.

Sec.

10-219. Prohibited acts; penalties.

Editor's note. — Many of the cases appearing in the notes to this article were decided under the former statutes prior to the 1984 revision of the material comprising this article.

These earlier cases have been retained under pertinent sections of this article where it is thought that such cases will be of value in interpreting the present statutes.

TITLE 10.

SUPPORT IN GENERAL.

Subtitle 2. Criminal Nonsupport and Desertion.

Part III. Desertion of Minor Child.

§ 10-219. Prohibited acts; penalties.

(a) *Duty to care for and provide for child.* — An individual who has care, custody, or control of a minor child may not desert the child:

(1) with the intent that the child become a public charge; or

(2) without providing for the child's support for at least 3 years by a responsible individual or a licensed child care facility.

(b) *Penalties.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not exceeding 1 year. (An. Code 1957, art. 27, § 96; 1984, ch. 296, § 2.)

Cited in *Frye v. Frye*, 305 Md. 542, 505 A.2d 826 (1986); *Wal Mart Stores, Inc. v. Holmes*, 416 Md. 346, 7 A.3d 13 (2010).

GENERAL PROVISIONS.

Title 7.

Emblems; Designations; Commemorative Days And Months.

Subtitle 4. Commemorative Days.

Sec.

7-410. Fire, Rescue, and Emergency Services Workers Day.

TITLE 7.

EMBLEMS; DESIGNATIONS; COMMEMORATIVE DAYS AND MONTHS.

Subtitle 4. Commemorative Days.

§ 7-410. Fire, Rescue, and Emergency Services Workers Day.

(a) *Proclamation.* — The Governor annually shall proclaim the first Sunday in June as the day to honor the fire, rescue, and emergency services workers of the State who made the ultimate sacrifice in the performance of their duties.

(b) *Observance.* — The Governor annually shall order the State flag to be flown at half-staff on the first Sunday in June.

(c) *Memorial plaques.* — On the first Sunday in June each year, memorial plaques containing the names of the fire, rescue, and emergency services workers who made the ultimate sacrifice shall be placed on the Maryland Fire-Rescue Services Memorial in the City of Annapolis by the Maryland Fire-Rescue Services Memorial Foundation, Inc. (An. Code 1957, art. SG, § 13-409; 2014, ch. 94, § 2; 2015, ch. 1, § 1; ch. 2, § 1; 2016, ch. 388, § 1; ch. 389, § 1.)

Editor's note. — The sections in this subtitle are subject to redesignation to keep the days in chronological order as new commemorative days are added.

Section 1, chs. 388 and 389, Acts 2016, redesignated 7-405 to 7-416 of this article as §§ 7-

406 to 7-417 of this article and § 2, chs. 388 and 389, Acts 2016, enacted a new § 7-405 of this article.

HEALTH-GENERAL.

Title 5.

Death.

Subtitle 3. Postmortem Examiners Commission.

Sec.

5-310. Autopsies.

Subtitle 6. Health Care Decisions Act.

Part I. Advance Directives.

- 5-607. Treatment without consent.
- 5-608. Authorization to follow emergency medical services "do not resuscitate order" in the outpatient setting.
- 5-608.1. Medical orders for life-sustaining treatment.
- 5-609. Immunity from liability; burden of proof; presumption.

Title 10.

Mental Health Law.

Subtitle 6. Admission Provisions.

Part IV. Emergency Evaluations.

- 10-628. Reimbursement for services provided under emergency petition.

Subtitle 8. Release and Transfers.

- 10-807. Transfers between facilities.

Title 15.

Assistance Programs.

- 15-114.1. Emergency service transporters.

Title 18.

Disease Prevention.

Subtitle 2. Reports; Preventive Actions.

Part II. Control of Infectious and Contagious Diseases.

- 18-213. Notification of fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers, correctional officers, etc., of exposure to contagious disease or virus; educational programs; equipment.
- 18-213.1. Notification of members of the State Fire Marshal's office of exposure to contagious disease or virus; educational programs; equipment.
- 18-213.2. Notification of contact exposure to contagious disease or virus; postmortem examination.

Subtitle 3. Specific Diseases.

Part VI. Acquired Immune Deficiency Syndrome (AIDS).

Sec.

- 18-336. Testing.
- 18-338.1. Health care providers.
- 18-338.3. HIV Testing — Health care workers or first responders.

Subtitle 7. Center for the Study of the Health Effects of Fire.

18-701. Definitions.

- (a) In general.
- (b) Advisory Council.
- (c) Center.

18-702. Center established.

18-703. Director; staff.

18-704. Duties generally.

18-705. Information collected confidential, not discoverable or admissible.

18-706. Advisory Council — Established.

18-707. Advisory Council — Members.

18-708. Advisory Council — Chairperson.

18-709. Advisory Council — Meetings; compensation.

18-710. Advisory Council — Duties.

18-711. Regulations.

Subtitle 9. Catastrophic Health Emergency Disease Surveillance and Response Program.

18-901. Definitions.

- (a) In general.
- (b) Catastrophic health emergency.
- (c) Deadly agent.
- (d) Exposure to a deadly agent.
- (e) Health care facility.
- (f) Health care practitioner.
- (g) Health care provider.

18-902. Authority of Secretary; investigation and prevention of actual or potential exposure.

18-903. Development and implementation of contingency plans.

18-904. Reporting requirements.

18-905. Enforcement.

18-906. Quarantine; appeal.

18-907. Failure to comply.

18-908. Report by Secretary.

Title 19.

Health Care Facilities.

Subtitle 1. Health Care Planning and Systems Regulation.

Part II. Health Planning and Development.

- 19-130. Maryland Trauma Physician Services Fund.

Subtitle 3. Hospitals and Related Institutions. Sec.

Part IV. Denials; Admissions Restrictions;
Revocations.

Sec.

19-328. Admissions restrictions by Secretary.

- (j) Picking plant.
- (j-1) Public festival or event.
- (j-2) Semipermanent food service facility.
- (k) Soft drink.
- (l) Surimi.

Title 21.

Food, Drugs, and Cosmetics.

Subtitle 3. Food Establishments.

Part I. Definitions; General Provisions.

21-301. Definitions.

- (a) In general.
- (b) Bottled water.
- (b-1) Cottage food business.
- (b-2) Cottage food product.
- (c) Crab meat.
- (d) Crab meat plant.
- (e) Excluded organization.
- (f) Food establishment.
- (g) Food processing plant.
- (h) Food service facility.
- (i) License.

Title 22.

Poisons, Dangerous Household Substances, Flammable Products, and Hazardous Materials.

Subtitle 4. Maryland Flammable Products Act.

22-401. Definitions.

- (a) In general.
- (b) Guaranty.
- (c) Product.

22-402. Rules and regulations.

22-403. Right of entry for inspection; samples.

22-404. Carcinogenic chemicals.

22-405. Injunction.

22-406. Prohibited acts; exceptions.

22-407. Penalty.

TITLE 5.

DEATH.

Subtitle 3. Postmortem Examiners Commission.

§ 5-310. Autopsies.

(a) *When cause of death established.* — If the cause of death is established to a reasonable degree of medical certainty, the medical examiner who investigates the case shall file in the medical examiner’s office a report on the cause of death within 30 days after notification of the case.

(b) *Autopsy required; exception.* — (1) If the medical examiner who investigates a medical examiner’s case considers an autopsy necessary, the Chief Medical Examiner, a deputy chief medical examiner, an assistant medical examiner, or a pathologist authorized by the Chief Medical Examiner shall perform the autopsy.

(2) If the family of the deceased objects to an autopsy on religious grounds, the autopsy may not be performed unless authorized by the Chief Medical Examiner or by the Chief Medical Examiner’s designee.

(3) (i) In accordance with normal standards of medical practice, the medical examiner performing the autopsy may retain any medical evidence, tissue, or organ needed to carry out the duties of this subtitle.

(ii) The medical examiner shall dispose of any medical evidence, tissue, or organ under subparagraph (i) of this paragraph in accordance with normal standards of medical practice.

(c) *Autopsy on fire fighter.* — (1) A medical examiner shall conduct an autopsy of any fire fighter and any sworn personnel of the State Fire Marshal’s

Office who dies in the line of duty or as a result of injuries sustained in the line of duty.

(2) The autopsy shall include:

(i) A toxicological analysis for toxic fumes;

(ii) Gross and microscopic studies of heart, lung, and any other tissue involved;

(iii) Appropriate studies of blood and urine; and

(iv) Appropriate studies of body fluids and body tissues.

(3) If the medical examiner determines toxic fumes were the cause of death, the medical examiner shall:

(i) Investigate to the extent possible the source of the fumes; and

(ii) Prepare a written report on the specific effects of the fumes on human tissue.

(4) The autopsy and analysis shall be sufficient to determine eligibility for benefits under the federal Public Safety Officers' Benefits Act of 1976.

(d) *Findings; correction of findings and conclusions.* — (1) The individual who performs the autopsy shall prepare detailed written findings during the progress of the autopsy. These findings and the conclusions drawn from them shall be filed in the office of the medical examiner for the county where the death occurred. The original copy of the findings and conclusions shall be filed in the office of the Chief Medical Examiner.

(2) (i) Except in a case of a finding of homicide, a person in interest as defined in § 4-101(e) of the General Provisions Article may request the medical examiner to correct findings and conclusions on the cause and manner of death recorded on a certificate of death under § 4-502 of the General Provisions Article within 60 days after the medical examiner files those findings and conclusions.

(ii) If the Chief Medical Examiner denies the request of a person in interest to correct findings and conclusions on the cause of death, the person in interest may appeal the denial to the Secretary, who shall refer the matter to the Office of Administrative Hearings. A contested case hearing under this paragraph shall be a hearing both on the denial and on the establishment of the findings and conclusions on the cause of death.

(iii) The administrative law judge shall submit findings of fact to the Secretary.

(iv) After reviewing the findings of the administrative law judge, the Secretary, or the Secretary's designee, shall issue an order to:

1. Adopt the findings of the administrative law judge; or

2. Reject the findings of the administrative law judge, and affirm the findings of the medical examiner.

(v) The appellant may appeal a rejection under subparagraph (iv)2 of this paragraph to a circuit court of competent jurisdiction.

(vi) If the final decision of the Secretary, or of the Secretary's designee, or of a court of competent jurisdiction on appeal, establishes a different finding or conclusion on the cause or manner of death of a deceased than that recorded on the certificate of death, the medical examiner shall amend the certificate to reflect the different finding or conclusion under §§ 4-212 and 4-214 of this article and § 4-502 of the General Provisions Article.

(vii) The final decision of the Secretary, or the Secretary’s designee, or of a court under this paragraph may not give rise to any presumption concerning the application of any provision of or the resolution of any claim concerning a policy of insurance relating to the deceased.

(viii) If the findings of the medical examiner are upheld by the Secretary, the appellant is responsible for the costs of the contested case hearing. Otherwise, the Department is responsible for the costs of the hearing.

(e) *Fee for pathologist.* — The Chief Medical Examiner shall set a reasonable fee for performing an autopsy by an authorized pathologist. (An. Code 1957, art. 22, § 7; 1982, ch. 21, § 2; 1984, ch. 246; 1986, ch. 578; 1990, ch. 238; 1992, ch. 547; 2008, ch. 69; 2009, ch. 130; 2010, ch. 72; 2011, ch. 65, § 5; ch. 536; 2015, ch. 22, § 5.)

Editor’s note. — For codification of the federal Public Safety Officers’ Benefits Act of 1976, referenced in (c)(4), see 42 U.S.C.S. § 10281 et seq.

University of Baltimore Law Review. — For article, “Free Exercise in the Free State: Maryland’s Role in the Development of First Amendment Jurisprudence,” see 18 U. Balt. L. Rev. 81 (1989).

Postmortem statutes valid. — Postmortem statutes are a valid exercise of sovereign power. *Snyder v. Holy Cross Hosp.*, 30 Md. App. 317, 352 A.2d 334, cert. denied, 276 Md. 750 (1976).

The State has a compelling interest to safeguard the peace, health, and good order of the community. To this end, it needs to know when a death results from a criminal act or when the cause of death is such that the health and well-being of others may be adversely affected. That it may obtain this knowledge is the purpose and the underlying basis of the statutes pertaining to postmortem examinations. *Snyder v. Holy Cross Hosp.*, 30 Md. App. 317, 352 A.2d 334, cert. denied, 276 Md. 750 (1976).

Purpose not defeated by freedom of religion claims. — The purpose of postmortem statutes may not be defeated by invoking con-

stitutional guarantees of free exercise of religion with respect to the practice of religion. *Snyder v. Holy Cross Hosp.*, 30 Md. App. 317, 352 A.2d 334, cert. denied, 276 Md. 750 (1976).

Religious practices of an orthodox Jewish father were properly abridged by the State in the application of the statutes concerning post-mortem examinations because there were compelling State interests which outweighed the interest of the father in his religious tenets. *Snyder v. Holy Cross Hosp.*, 30 Md. App. 317, 352 A.2d 334, cert. denied, 276 Md. 750 (1976).

The conduct of an autopsy on the body of the son of an orthodox Jew would not be repugnant to the free exercise of religion guaranteed by the federal and State Constitutions. *Snyder v. Holy Cross Hosp.*, 30 Md. App. 317, 352 A.2d 334, cert. denied, 276 Md. 750 (1976).

Quoted in *Malaska v. State*, 216 Md. App. 492, 88 A.3d 805 (2014), cert. denied, 439 Md. 696, 98 A.3d 234, 2014 Md. LEXIS 542 (2014); cert. denied, 135 S. Ct. 1162, 2015 U.S. LEXIS 677, 190 L. Ed. 2d 914 (U.S. 2015).

Stated in *Sippio v. State*, 350 Md. 633, 714 A.2d 864 (1998).

Cited in *Md. Dep’t of State Police v. Md. State Conf. of NAACP Branches*, 190 Md. App. 359, 988 A.2d 1075 (2010).

Subtitle 6. Health Care Decisions Act.

Part I. Advance Directives.

§ 5-607. Treatment without consent.

A health care provider may treat a patient who is incapable of making an informed decision, without consent, if:

- (1) The treatment is of an emergency medical nature;
- (2) A person who is authorized to give the consent is not available immediately; and
- (3) The attending physician determines that:
 - (i) There is a substantial risk of death or immediate and serious harm to the patient; and

(ii) With a reasonable degree of medical certainty, the life or health of the patient would be affected adversely by delaying treatment to obtain consent. (1993, ch. 372, § 2.)

Maryland Law Review. — For symposium, “Trends in Health Care Decisionmaking,” see 53 Md. L. Rev. 1041 (1994).

“Do not resuscitate” order for child. — If an attending physician of a terminally ill child has entered a do not resuscitate order on the authorization of the child’s parents, school officials must accept the order and refrain from medical interventions that are not consistent with it. 79 Op. Att’y Gen. 244 (1994).

Treatment of imprisoned minor. — As a general rule, the physician treating an imprisoned minor should obtain the consent of the minor’s parent or guardian for medical treat-

ment that goes beyond a routine response to common ailments; under some circumstances, however, a physician may provide more significant forms of medical treatment to a prisoner who is a minor without such consent. These circumstances include medical emergencies, emancipated minors, conditions identified in § 20-102 or § 20-104 of this article, or minors deemed to be mature enough to provide consent for a particular treatment. 80 Op. Att’y Gen. 62 (January 25, 1995).

Quoted in *Mole v. Jutton*, 381 Md. 27, 846 A.2d 1035 (2004).

§ 5-608. Authorization to follow emergency medical services “do not resuscitate order” in the outpatient setting.

(a) *Directed by protocol to follow order.* — (1) Certified or licensed emergency medical services personnel shall be directed by protocol to follow emergency medical services “do not resuscitate orders” pertaining to adult patients in the outpatient setting in accordance with protocols established by the Maryland Institute for Emergency Medical Services Systems in conjunction with the State Board of Physicians.

(2) Emergency medical services “do not resuscitate orders” may not authorize the withholding of medical interventions, or therapies deemed necessary to provide comfort care or to alleviate pain.

(3) A health care provider, other than certified or licensed emergency medical services personnel, who sees, in a valid form, an emergency medical services “do not resuscitate order” described in paragraph (1) of this subsection that is not superseded by a subsequent physician’s order:

(i) May, before a patient’s cardiac or respiratory arrest, provide, withhold, or withdraw treatment in accordance with the emergency medical services “do not resuscitate order”; and

(ii) Shall, after a patient’s cardiac or respiratory arrest, withhold or withdraw treatment in accordance with the emergency medical services “do not resuscitate order”.

(4) An order contained in a “Medical Orders for Life-Sustaining Treatment” form that resuscitation not be attempted shall be given the same effect as emergency medical services “do not resuscitate orders” described in paragraph (1) of this subsection.

(b) *Patient’s expression of desire to be resuscitated.* — This section does not authorize emergency medical services personnel to follow an emergency medical services “do not resuscitate order” for any patient who, prior to cardiac or respiratory arrest, is able to, and does, express to those personnel the desire to be resuscitated.

(c) *Form of order.* — This section does not authorize emergency medical services personnel in the outpatient setting to follow an emergency medical services “do not resuscitate order” that is in any form other than:

(1) An emergency medical services “do not resuscitate order” described in subsection (a) of this section;

(2) An oral emergency medical services “do not resuscitate order” provided by an online, emergency medical services medical command and control physician;

(3) An oral emergency medical services “do not resuscitate order” provided by a physician, a physician assistant, or a nurse practitioner who is physically present on the scene with the patient and the emergency medical services personnel in the outpatient setting; or

(4) An order contained in a “Medical Orders for Life-Sustaining Treatment” form.

(d) *Immunity.* — (1) Except as provided in paragraph (2) of this subsection, in addition to the immunity provided in § 5-609 of this subtitle and any other immunity provided by law, an emergency medical services provider is not subject to criminal or civil liability, or deemed to have engaged in unprofessional conduct as determined by the appropriate licensing or certifying authority, arising out of a claim concerning the provision of health care if:

(i) The claim is based on lack of consent or authorization for the health care;

(ii) Subsection (a) of this section would ordinarily apply; and

(iii) The emergency medical services provider:

1. Acts in good faith in providing the health care; and

2. Believes reasonably that subsection (a)(1) of this section does not

apply.

(2) This subsection does not apply if the patient is wearing a valid, legible, and patient-identifying emergency medical services “do not resuscitate order” in bracelet form. (1993, ch. 372, § 2; 1997, ch. 195; 1998, ch. 46; 2000, ch. 152; 2003, ch. 252, § 10; 2004, ch. 506; 2007, ch. 251; 2008, chs. 232, 233; 2009, ch. 60, § 5; 2011, chs. 433, 434; 2013, chs. 273, 274.)

Maryland Law Review. — For symposium, “Trends in Health Care Decisionmaking,” see 53 Md. L. Rev. 1041 (1994).

“Do not resuscitate” order for child. — If an attending physician of a terminally ill child

has entered a do not resuscitate order on the authorization of the child’s parents, school officials must accept the order and refrain from medical interventions that are not consistent with it. 79 Op. Att’y Gen. 244 (1994).

§ 5-608.1. Medical orders for life-sustaining treatment.

(a) *“Health care facility” defined.* — In this section, “health care facility” means:

- (1) An assisted living program;
- (2) A home health agency;
- (3) A hospice;
- (4) A hospital;
- (5) A kidney dialysis center; or
- (6) A nursing home.

(b) *Development and revision of form.* — (1) (i) The Department, in conjunction with the Maryland Institute for Emergency Medical Services Systems and the State Board of Physicians, shall develop and revise periodically a “Medical Orders for Life-Sustaining Treatment” form and instructions for completing and using the form.

(ii) The “Medical Orders for Life-Sustaining Treatment” form and the instructions for its completion and use shall be developed in consultation with:

1. The Office of the Attorney General;
2. The State Board of Nursing;
3. The State Advisory Council on Quality Care at the End of Life; and
4. Any other individual or group the Department determines is appropriate.

(2) The “Medical Orders for Life-Sustaining Treatment” form developed under paragraph (1) of this subsection shall be suitable for containing a physician’s, physician assistant’s, or nurse practitioner’s written medical orders relating to a patient’s medical condition, including:

- (i) The use of life-sustaining procedures;
- (ii) The use of medical tests;
- (iii) Transfer of the patient to a hospital from a nonhospital setting; and
- (iv) Any other matter considered appropriate by the Department to implement treatment preferences and orders regarding life-sustaining treatments across health care settings.

(3) The “Medical Orders for Life-Sustaining Treatment” form is not an advance directive.

(c) *Responsibilities of health care facility.* — (1) A health care facility shall:

(i) 1. Accept a completed “Medical Orders for Life-Sustaining Treatment” form during the admission process for each patient being admitted to the health care facility; and

2. Update the form as indicated in the instructions for the completion and use of the form; or

(ii) Complete a “Medical Orders for Life-Sustaining Treatment” form:

1. For a health care facility that is not a hospital, during the admission process for each patient being admitted to the health care facility; or

2. For a hospital, during an inpatient hospital stay for patients who are being discharged to another health care facility.

(2) When a health care facility updates or completes a “Medical Orders for Life-Sustaining Treatment” form under paragraph (1) of this subsection, the health care facility shall:

(i) Offer the patient, health care agent, or surrogate decision maker the opportunity to participate in updating or completing the form;

(ii) Note in the medical record when a patient, health care agent, or surrogate decision maker declines to participate in updating or completing the form, indicating the date and with whom the form was discussed;

(iii) On request of the patient, offer any physician, physician assistant, or nurse practitioner selected by the patient the opportunity to participate in updating or completing the form; and

(iv) Inform the patient, health care agent, or surrogate decision maker that the form will become a part of the patient's medical record and can be accessed through the procedures used to access a medical record.

(3) Except as provided for a treatment that has been certified as medically ineffective in accordance with § 5-611 of this subtitle, the "Medical Orders for Life-Sustaining Treatment" form shall be consistent with:

(i) The known decisions of:

1. The patient if the patient is a competent individual; or
2. A health care agent or surrogate decision maker as authorized by

this subtitle; and

(ii) Any known advance directive of the patient if the patient is incapable of making an informed decision.

(d) *Use of form by health care provider.* — (1) A health care provider other than a health care facility may choose to use a "Medical Orders for Life-Sustaining Treatment" form.

(2) A health care provider who chooses to use a "Medical Orders for Life-Sustaining Treatment" form shall offer a patient, health care agent, or surrogate decision maker the opportunity to participate in the completion of the form.

(e) *Form keeping requirements.* — The original or a copy of a "Medical Orders for Life-Sustaining Treatment" form shall:

(1) Be kept by a health care provider in the patient's medical record;

(2) Physically accompany the patient or be transmitted electronically or by facsimile in accordance with the instructions for the use of the form when the patient is transferred to a health care facility; and

(3) Be given to the patient, health care agent, or surrogate decision maker within 48 hours of completion of the form or sooner if the patient is transferred or discharged.

(f) *Compliance with medical orders in form.* — Except as provided in § 5-611 or § 5-613 of this subtitle, a health care facility shall comply with all medical orders contained in a "Medical Orders for Life-Sustaining Treatment" form regardless of whether the physician, physician assistant, or nurse practitioner who signed the form has admitting privileges or is otherwise credentialed at the health care facility.

(g) *Conflicting forms.* — In the event of a conflict between more than one "Medical Orders for Life-Sustaining Treatment" form, the most recent form shall be followed.

(h) *Good faith reliance on validity of form.* — A health care provider may rely in good faith on the presumed validity of a "Medical Orders for Life-Sustaining Treatment" form.

(i) *Regulations.* — (1) The Department shall adopt regulations that specify the "Medical Orders for Life-Sustaining Treatment" form and the instructions for the completion and use of the form that are developed as required by subsection (b) of this section, including instructions on how a "Medical Orders for Life-Sustaining Treatment" form is revised or revoked.

(2) Regulations adopted under paragraph (1) of this subsection shall be consistent with the Health Care Decisions Act.

(j) *Printing and distribution of form.* — The Department shall make the “Medical Orders for Life-Sustaining Treatment” form and the instructions for the completion and use of the form, including instructions on how the form is revised or revoked, available on its website and may print and distribute the form, the instructions, and training materials. (2011, chs. 433, 434; 2013, chs. 273, 274; 2019, ch. 8, § 5.)

Editor’s note. — Pursuant to § 5, ch. 8, Acts 2019, “website” was substituted for “Web site” in (j).

§ 5-609. Immunity from liability; burden of proof; presumption.

(a) *Health provider immunity.* — (1) A health care provider is not subject to criminal prosecution or civil liability or deemed to have engaged in unprofessional conduct as determined by the appropriate licensing authority as a result of withholding or withdrawing any health care under authorization obtained in accordance with this subtitle.

(2) A health care provider providing, withholding, or withdrawing treatment under authorization obtained under this subtitle does not incur liability arising out of any claim to the extent the claim is based on lack of consent or authorization for the action.

(b) *Health agent or surrogate immunity.* — A person who authorizes the provision, withholding, or withdrawal of life-sustaining procedures in accordance with a patient’s advance directive, a “Medical Orders for Life-Sustaining Treatment” form, or as otherwise provided in this subtitle is not subject to:

(1) Criminal prosecution or civil liability for that action; or

(2) Liability for the cost of treatment solely on the basis of that authorization.

(c) *Good faith.* — (1) The provisions of this section shall apply unless it is shown by a preponderance of the evidence that the person authorizing or effectuating the provision, withholding, or withdrawal of life-sustaining procedures in accordance with this subtitle did not, in good faith, comply with the provisions of this subtitle.

(2) The distribution to patients of written advance directives in a form provided in this subtitle and assistance to patients in the completion and execution of such forms does not constitute the unauthorized practice of law.

(d) *Presumptions.* — An advance directive made in accordance with this subtitle shall be presumed to have been made voluntarily by a competent individual. Authorization for the provision, withholding, or withdrawal of life-sustaining procedures in accordance with this subtitle shall be presumed to have been made in good faith. (1993, ch. 372, § 2; 1997, ch. 195; 2004, ch. 506; 2010, ch. 72; 2011, chs. 433, 434.)

Maryland Law Review. — For symposium, “Trends in Health Care Decisionmaking,” see 53 Md. L. Rev. 1041 (1994).

Advance directive for emergency medical services personnel. — The Maryland Institute for Emergency Medical Services Sys-

tems has the authority, in conjunction with the Board of Physician Quality Assurance (now Board of Physicians), to issue an “Emergency Medical Services Palliative Care/Do Not Resuscitate” protocol for pre-hospital providers; there is explicit statutory authority to adopt a protocol that will require emergency medical ser-

vices personnel to provide comfort care, instead of cardiopulmonary resuscitation, to a patient with an appropriate physician’s order. 80 Op. Att’y Gen. 167 (January 30, 1995).

Stated in *Stouffer v. Reid*, 184 Md. App. 268, 965 A.2d 96 (2009), aff’d, 993 A.2d 104, 2010 Md. LEXIS 172 (Md. 2010).

TITLE 10.

MENTAL HEALTH LAW.

Subtitle 6. Admission Provisions.

Part IV. Emergency Evaluations.

§ 10-628. Reimbursement for services provided under emergency petition.

(a) *Payment by Department.* — (1) If an emergency evaluatee cannot pay or does not have insurance that covers the charges for emergency services, an initial consultant examination by a physician or nurse practitioner, and transportation to an emergency facility and, for an involuntary admission of the emergency evaluatee, to the admitting facility, the Department shall pay the appropriate party the actual cost or a reasonable rate for this service, whichever is lower, except that hospitals shall be paid at rates approved by the Health Services Cost Review Commission.

(2) The reasonable rate for the services provided under an emergency petition shall be calculated by using a methodology established by regulation and reasonably related to the actual cost.

(b) *Subrogation by Department.* — With respect to emergency admissions, the Department shall be subrogated against any insurance coverage available to the patient for charges relating to emergency service, initial consultant examination by a physician or nurse practitioner, and transportation to an emergency facility under Part IV of this subtitle. (An. Code 1957, art. 59, §§ 22, 22A; 1982, ch. 21, § 2; chs. 370, 371; 1988, ch. 263; 2008, chs. 232, 233.)

Subtitle 8. Release and Transfers.

§ 10-807. Transfers between facilities.

(a) *“Public facility” defined.* — In this section, “public facility” means a facility under § 10-406 of this title maintained under the direction of the Administration.

(b) *Matters for determination.* — The Director may transfer an individual, who is admitted under Subtitle 6 of this title or committed under Title 3 of the Criminal Procedure Article, from a public facility to the Clifton T. Perkins Hospital Center, if the Director finds that:

(1) The individual either can receive better care or treatment in or would be more likely to benefit from care or treatment at the Clifton T. Perkins Hospital Center; or

(2) The safety or welfare of other individuals would be furthered.

(c) *Notice and opportunity to be heard prior to transfer.* — (1) Prior to transferring an individual from a public facility to the Clifton T. Perkins Hospital Center, the Director shall give the individual notice and an opportunity for a hearing before the Office of Administrative Hearings, unless the Director finds that an emergency requires the immediate transfer of the individual.

(2) If the Director determines that an emergency requires the immediate transfer of an individual, the individual may be transferred to the Clifton T. Perkins Hospital Center if the Administration:

(i) Provides notice to the individual; and

(ii) Schedules a post transfer hearing before the Office of Administrative Hearings within 10 calendar days after the transfer.

(3) A hearing requested by an individual under paragraph (1) of this subsection shall be convened at the public facility within 30 calendar days after the individual received notice of the transfer.

(d) *Hearing.* — If a hearing is requested by the individual in accordance with subsection (c)(1) of this section, the hearing shall be utilized to determine whether the Administration has demonstrated by preponderance of the evidence that the criteria for transfer have been met.

(e) *Final decision.* — A decision of an administrative law judge under this section shall be the final decision of the Department for the purpose of judicial review of final decisions under Title 10, Subtitle 2 of the State Government Article.

(f) *Residents of other states.* — The Director may transfer any individual who is a resident of another state to a facility in that state if the Director finds that the transfer is feasible.

(g) *Record; notice.* — (1) Any finding that the Director makes under this section shall be in writing and filed with the records of the individual involved.

(2) A copy of the finding and the notice to the facility to which the individual is being transferred shall be sent to the guardian or other legal representative of the individual.

(h) *Transfer without consent of individual.* — The Director may transfer an individual between public facilities, other than the Clifton T. Perkins Hospital Center, without the consent of the individual if the Director finds that administrative or clinical reasons require a transfer of the individual from the facility.

(i) *Transfer of records.* — (1) In effecting a transfer of an individual from a unit in a public facility to another unit in the facility or to another public facility, the transferring facility shall provide for the transfer of all the records necessary for continuing the care of the individual on or before the date of transfer to the facility to which the individual is being transferred.

(2) This subsection is not intended to preempt the requirements of § 10-625 of this title.

(j) *Transporting.* — An individual may not be transported to or from any facility unless accompanied by:

(1) An ambulance attendant or other individual who is authorized by the facility and is of the same sex. However, the chief executive officer of the facility

or that officer’s designee may designate an ambulance attendant or other person of either sex to provide transportation to an individual, if deemed appropriate; or

(2) The parent, spouse, domestic partner, adult sibling, or adult offspring of the individual. (An. Code 1957, art. 59, § 17; 1982, ch. 21, § 2; 1989, ch. 31; 1990, ch. 500; 2004, ch. 25, § 6; 2008, ch. 590; 2011, ch. 114; 2017, ch. 103.)

Effect of amendments. — Chapter 103, Acts 2017, effective January 1, 2018, deleted former (f) and redesignated accordingly. Act may not be construed to have any effect on § 2-201 of the Family Law Article.”

Editor’s note. — Section 3, ch. 590, Acts 2008, effective July 1, 2008 provides that “this

TITLE 15.

ASSISTANCE PROGRAMS.

§ 15-114.1. Emergency service transporters.

(a) *“Emergency service transporter” defined.* — In this section, “emergency service transporter” means a public entity or volunteer fire, rescue, or emergency medical service that provides emergency medical services.

(b) *Reimbursement for services.* — If an emergency service transporter charges for its services and requests reimbursement from the Program, the Department shall reimburse the emergency service transporter, in an amount as specified by regulations adopted by the Department, for the cost of:

(1) Transportation the emergency service transporter provides to a Program recipient to a facility in response to a 911 call; and

(2) Medical services the emergency service transporter provides to the Program recipient while transporting the Program recipient to a facility in response to a 911 call.

(c) *Regulations.* — The Department shall adopt any regulations necessary to carry out this section. (1998, chs. 410, 411; 2008, ch. 651.)

TITLE 18.

DISEASE PREVENTION.

Subtitle 2. Reports; Preventive Actions.

Part II. Control of Infectious and Contagious Diseases.

§ 18-213. Notification of fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers, correctional officers, etc., of exposure to contagious disease or virus; educational programs; equipment.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

- (2) “Contagious disease or virus” means:
- (i) Human immunodeficiency virus (HIV);
 - (ii) Meningococcal meningitis;
 - (iii) Tuberculosis;
 - (iv) Mononucleosis;
 - (v) Any form of viral hepatitis, including but not limited to hepatitis A, B, C, D, E, F, and G;
 - (vi) Diphtheria;
 - (vii) Plague;
 - (viii) Hemorrhagic fevers; or
 - (ix) Rabies.
- (3) “Correctional institution” means a place of detention or correctional confinement operated by or for the State or a local government.
- (4) (i) “Correctional officer” means a member of a correctional unit who is charged with and actually performs those duties that relate to the investigation, care, custody, control, or supervision of persons confined to places of incarceration.
- (ii) “Correctional officer” includes any sheriff, warden, superintendent, or any other person having an equivalent title.
- (5) “Law enforcement officer” means any person who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:
- (i) The Department of State Police;
 - (ii) The Baltimore City Police Department;
 - (iii) The police department, bureau, or force of any county;
 - (iv) The police department, bureau, or force of any incorporated city or town;
 - (v) The office of the sheriff of any county;
 - (vi) The police department, bureau, or force of any bicounty agency or constituent institution of the University System of Maryland, Morgan State University, St. Mary’s College, or of any institution under the jurisdiction of the Maryland Higher Education Commission;
 - (vii) The Maryland Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority Police Force, and the Maryland Port Administration police force of the Department of Transportation;
 - (viii) The law enforcement officers of the Department of Natural Resources;
 - (ix) The Field Enforcement Bureau of the Comptroller’s Office;
 - (x) The Crofton Police Department;
 - (xi) The Intelligence and Investigative Division of the Department of Public Safety and Correctional Services; or
 - (xii) The Ocean Pines Police Department.
- (6) “Medical care facility” means a hospital as defined in § 19-301 of this article or a health care facility of a correctional institution.
- (b) *Fire fighter, emergency medical technician, or rescue squadman.* — While treating or transporting an ill or injured patient to a medical care facility or

while acting in the performance of duty, if a paid or volunteer fire fighter, emergency medical technician, or rescue squadman comes into contact with a patient who is subsequently diagnosed as having a contagious disease or virus, as a result of information obtained in conjunction with the services provided during the visit to the facility, the attending physician, medical examiner, a designee of the medical care facility who receives the patient, the Chief Medical Examiner, or the Chief Medical Examiner's designee shall notify the fire fighter, emergency medical technician, or rescue squadman, and the employer or employer's designee of the individual's possible exposure to the contagious disease or virus.

(c) *Law enforcement officer.* — If, while treating or transporting an ill or injured patient to a medical care facility or while acting in the performance of duty, a law enforcement officer comes into contact with a patient who is subsequently diagnosed, as a result of information obtained in conjunction with the services provided during the visit to the facility, as having a contagious disease or virus, the attending physician, medical examiner, a designee of the medical care facility who receives the patient, the Chief Medical Examiner or the Chief Medical Examiner's designee shall notify the law enforcement officer and the officer's employer or employer's designee of the officer's possible exposure to the contagious disease or virus.

(d) *Correctional officers, etc.* — If, while treating or transporting an ill or injured inmate to a medical care facility or while acting in the performance of duty, a correctional officer comes into contact with an inmate who is subsequently diagnosed, as a result of information obtained in conjunction with the services provided during the visit to the facility, as having a contagious disease or virus, the attending physician, medical examiner, a designee of the medical care facility that receives the inmate, the Chief Medical Examiner, or the Chief Medical Examiner's designee shall notify the correctional officer and the correctional officer's correctional institution or the correctional institution's designee of the officer's possible exposure to the contagious disease or virus.

(e) *When notice made; written confirmation; confidentiality.* — The notification required under subsection (b), (c), or (d) of this section shall:

(1) Be made within 48 hours, or sooner, of confirmation of the patient's diagnosis;

(2) Include subsequent written confirmation of possible exposure to the contagious disease or virus;

(3) Be conducted in a manner that will protect the confidentiality of the patient; and

(4) To the extent possible, be conducted in a manner that will protect the confidentiality of the fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer.

(f) *Compliance with section.* — The written confirmation required under subsection (e)(2) of this section shall constitute compliance with this section.

(g) *Written procedures for implementation of section.* — Each medical care facility shall develop written procedures for the implementation of this section, and, upon request, make copies available to the local fire authority, the local fire authority's designee, the local law enforcement authority, the local law

enforcement authority's designee, the correctional officer, or the correctional institution's designee having jurisdiction.

(h) *Liability of medical care facility or physician — Breach of patient confidentiality.* — A medical care facility, physician, Chief Medical Examiner, or the Chief Medical Examiner's designee acting in good faith to provide notification in accordance with this section may not be liable in any cause of action related to the breach of patient confidentiality.

(i) *Liability of medical care facility or physician — Failure to provide notice.* — A medical care facility, physician, Chief Medical Examiner, or the Chief Medical Examiner's designee acting in good faith to provide notification in accordance with this section may not be liable in any cause of action for:

(1) The failure to give the required notice, if the fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer fails to properly initiate the notification procedures developed by the health care facility under subsection (g) of this section; or

(2) The failure of the employer or employer's designee to subsequently notify the fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer of the possible exposure to a contagious disease or virus.

(j) *Educational programs.* — A fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer shall receive from their employers or local governmental bodies, at the expense of the employer or local governmental body, as part of their training, education on:

(1) (i) The routes of transmission of HIV and hepatitis B virus; and

(ii) The routes by which a fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer may be exposed to HIV and hepatitis B virus; and

(2) The current Centers for Disease Control and Prevention guidelines for preventing prehospital exposure to HIV and hepatitis B while rendering emergency medical care.

(k) *Equipment.* — A fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer shall receive from their employers, associations, or local governmental bodies, at the employers', associations', or local governmental bodies' expense, equipment recommended by the Centers for Disease Control and Prevention to protect a fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer from exposure to HIV and hepatitis B while rendering emergency medical care.

(1) *Procedures.* — (1) The fire department, law enforcement agency, and all other agencies or organizations employing a fire fighter, emergency medical technician, rescue squadman, law enforcement officer, or correctional officer shall develop written procedures for the implementation of this section.

(2) On request, copies of the procedures developed in this subsection shall be made available to employees, employee unions, volunteer associations, and the Secretary.

(m) *Effect of section.* — A person under this section may not refuse to treat or transport an individual because the individual is HIV positive. (1986, ch.

763; 1987, ch. 11, § 1; ch. 697; 1988, ch. 6, § 1; chs. 275, 276; 1989, ch. 5, § 1; ch. 789, § 2; 1990, ch. 5; ch. 6, § 2; 1991, ch. 55, § 1; 1993, ch. 626; 1994, ch. 165, § 3; ch. 166, § 3; chs. 366, 577; 1995, ch. 3, § 2; 1996, ch. 10, § 1; 1997, ch. 114, § 1; 1998, ch. 74; 1999, ch. 393; 2001, ch. 29, § 1; ch. 730; 2004, ch. 25, § 6; 2005, ch. 25, § 6; ch. 532; 2010, ch. 72; 2014, ch. 217; 2015, ch. 22, § 5.)

Maryland Law Review. — For comment, “The AIDS Project: Creating a Public Health Policy — Rights and Obligations of Health Care Workers,” see 48 Md. L. Rev. 93 (1989).

§ 18-213.1. Notification of members of the State Fire Marshal’s office of exposure to contagious disease or virus; educational programs; equipment.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Body fluids” means:

1. Any fluid containing visible blood, semen, or vaginal secretions; or
2. Cerebral spinal fluid, synovial, or amniotic fluid.

(ii) “Body fluid” does not include saliva, stool, nasal secretions, sputum, tears, urine, or vomitus.

(3) “Contact exposure” means as between a patient and a sworn member of the State Fire Marshal’s office:

- (i) Percutaneous contact with blood or body fluids;
- (ii) Mucocutaneous contact with blood or body fluids;
- (iii) Open wound, including dermatitis, exudative lesions, or chapped skin, contact with blood or body fluids for a prolonged period; or
- (iv) Intact skin contact with large amounts of blood or body fluids for a prolonged period.

(4) “Contagious disease or virus” means:

- (i) Human immunodeficiency virus (HIV);
- (ii) Meningococcal meningitis;
- (iii) Tuberculosis;
- (iv) Mononucleosis;
- (v) Any form of viral hepatitis, including but not limited to hepatitis A, B, C, D, E, F, and G;
- (vi) Diphtheria;
- (vii) Plague;
- (viii) Hemorrhagic fevers; or
- (ix) Rabies.

(5) “Medical care facility” means a hospital as defined in § 19-301 of this article or a health care facility of a correctional institution.

(b) *Member of State Fire Marshal’s office.* — If, while treating or transporting an ill or injured patient to a medical care facility or while acting in the performance of duty, a sworn member of the State Fire Marshal’s office comes into contact exposure with a patient who is subsequently diagnosed, as a result of information obtained in conjunction with the services provided during the visit to the facility, as having a contagious disease or virus, the attending

physician, medical examiner, a designee of the medical care facility who receives the patient, the Chief Medical Examiner, or the Chief Medical Examiner's designee shall notify the sworn member of the State Fire Marshal's office and the State Fire Marshal or the State Fire Marshal's designee of the officer's possible contact exposure to the contagious disease or virus.

(c) *When notice made; written confirmation; confidentiality.* — The notification required under subsection (b) of this section shall:

(1) Be made within 48 hours of confirmation of the patient's diagnosis;

(2) Include subsequent written confirmation of possible contact exposure to the contagious disease or virus;

(3) Be conducted in a manner that will protect the confidentiality of the patient; and

(4) To the extent possible, be conducted in a manner that will protect the confidentiality of the sworn member of the State Fire Marshal's office.

(d) *Compliance with this section.* — The written confirmation required under subsection (c)(2) of this section shall constitute compliance with this section.

(e) *Written procedures for implementation of section.* — Each medical care facility shall develop written procedures for the implementation of this section, and upon request, make copies available to the State Fire Marshal's office.

(f) *Liability of medical care facility or physician — Breach of patient confidentiality.* — A medical care facility, physician, Chief Medical Examiner, or the Chief Medical Examiner's designee acting in good faith to provide notification in accordance with this section may not be liable in any cause of action related to the breach of patient confidentiality.

(g) *Liability of medical care facility or physician — Failure to provide notice.* — A medical care facility, physician, Chief Medical Examiner, or the Chief Medical Examiner's designee acting in good faith to provide notification in accordance with this section may not be liable in any cause of action for:

(1) The failure to give the required notice, if the sworn member of the State Fire Marshal's office fails to properly initiate the notification procedures developed by the health care facility under subsection (e) of this section; or

(2) The failure of the State Fire Marshal or the State Fire Marshal's designee to subsequently notify the sworn member of the State Fire Marshal's office of the possible contact exposure to a contagious disease or virus.

(h) *Educational programs.* — A sworn member of the State Fire Marshal's office shall receive from the State Fire Marshal's office, at the expense of the State Fire Marshal's office, as part of the member's training, education on:

(1) (i) The routes of transmission of HIV and hepatitis B virus; and

(ii) The routes by which a sworn member of the State Fire Marshal's office may be exposed to HIV and hepatitis B virus; and

(2) The current Centers for Disease Control and Prevention guidelines for preventing prehospital exposure to HIV and hepatitis B while rendering emergency medical care.

(i) *Equipment.* — A sworn member of the State Fire Marshal's office shall receive from the State Fire Marshal's office, at the State Fire Marshal's expense, equipment recommended by the Centers for Disease Control and

Prevention to protect a sworn member of the State Fire Marshal's office from exposure to HIV and hepatitis B while rendering emergency medical care.

(j) *Procedures.* — (1) The State Fire Marshal's office shall develop written procedures for the implementation of this section.

(2) On request, copies of the procedures developed under this subsection shall be made available to employees, employee unions, volunteer associations, and the Secretary.

(k) *Effect of section.* — A person under this section may not refuse to treat or transport an individual because the individual is HIV positive. (1993, ch. 212; 1998, ch. 74; 2010, ch. 72; 2015, ch. 22, § 5.)

§ 18-213.2. Notification of contact exposure to contagious disease or virus; postmortem examination.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) "Body fluids" means:

1. Any fluid containing visible blood, semen, or vaginal secretions; or
2. Cerebral spinal fluid, synovial, or amniotic fluid.

(ii) "Body fluids" does not include saliva, stool, nasal secretions, sputum, tears, urine, or vomitus.

(3) "Contact exposure" means as between a decedent and a first responder:

- (i) Percutaneous contact with blood or body fluids;
- (ii) Mucocutaneous contact with blood or body fluids;
- (iii) Open wound, including dermatitis, exudative lesions, or chapped skin, contact with blood or body fluids for a prolonged period; or
- (iv) Intact skin contact with large amounts of blood or body fluids for a prolonged period.

(4) "Contagious disease or virus" means:

- (i) Human immunodeficiency virus (HIV);
- (ii) Meningococcal meningitis;
- (iii) Tuberculosis;
- (iv) Mononucleosis;
- (v) Any form of viral hepatitis, including but not limited to hepatitis A, B, C, D, E, F, and G;
- (vi) Diphtheria;
- (vii) Plague;
- (viii) Hemorrhagic fevers; or
- (ix) Rabies.

(5) "Correctional institution" means a place of detention or correctional confinement operated by or for the State or a local government.

(6) (i) "Correctional officer" means a member of a correctional unit who is charged with and actually performs those duties that relate to the investigation, care, custody, control, or supervision of individuals confined to places of incarceration.

(ii) "Correctional officer" includes any sheriff, warden, superintendent, or other individual having the equivalent title.

(7) “First responder” means a:

- (i) Firefighter;
- (ii) Emergency medical technician;
- (iii) Rescue squad member;
- (iv) Law enforcement officer;
- (v) Correctional officer; or
- (vi) Sworn member of the State Fire Marshal’s office.

(8) “Law enforcement officer” means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

- (i) The Department of State Police;
- (ii) The Baltimore City Police Department;
- (iii) The police department, bureau, or force of any county;
- (iv) The police department, bureau, or force of any incorporated city or town;

(v) The office of the sheriff of any county;

(vi) The police department, bureau, or force of any bicounty agency or constituent institution of the University System of Maryland, Morgan State University, St. Mary’s College, or of any institution under the jurisdiction of the Maryland Higher Education Commission;

(vii) The Maryland Aviation Administration police force of the Department of Transportation, the Maryland Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority police force, and the Maryland Port Administration police force of the Department of Transportation;

(viii) The law enforcement officers of the Department of Natural Resources;

(ix) The Field Enforcement Bureau of the Comptroller’s Office;

(x) The Intelligence and Investigative Division of the Department of Public Safety and Correctional Services; or

(xi) The Maryland Capitol Police of the Department of General Services.

(9) “Medical care facility” means a hospital, or a health care facility of a correctional institution.

(10) “Physician performing a postmortem examination” means any of the following persons who perform a postmortem examination on a decedent:

(i) The Chief Medical Examiner; or

(ii) The Chief Medical Examiner’s designee.

(b) *Notification to first responder by physician.* — If, while transporting a person to a medical care facility or while acting in the performance of duty, a first responder comes into contact exposure while treating or transporting a person who dies at the scene or while being transported and who is subsequently determined, as a result of information obtained in conjunction with a postmortem examination by the Chief Medical Examiner or a designee of the Chief Medical Examiner to have had a contagious disease or virus at the time of death, the physician performing the postmortem examination shall notify the first responder and the first responder’s employer or the employer’s

designee of the first responder's possible contact exposure to the contagious disease or virus.

(c) *Time, content, and confidentiality of notification.* — The notification required under subsection (b) of this section shall:

(1) Be made within 48 hours of confirmation of the determination that the deceased person had a contagious disease or virus at the time of death;

(2) Include subsequent written confirmation of possible contact exposure to the contagious disease or virus;

(3) Be conducted in a manner that will protect the confidentiality of the deceased person; and

(4) To the extent possible, be conducted in a manner that will protect the confidentiality of the first responder.

(d) *Written confirmation is compliance.* — The written confirmation required under subsection (c)(2) of this section shall constitute compliance with this section.

(e) *Liability for patient confidentiality.* — A medical care facility or physician performing a postmortem examination acting in good faith to provide notification in accordance with this section is not liable in any cause of action related to a breach of patient confidentiality.

(f) *Liability for failure to notify.* — A medical care facility or physician performing a postmortem examination acting in good faith to provide notification in accordance with this section is not liable in any cause of action for:

(1) The failure to give the required notice if the first responder fails to properly initiate the notification procedures developed by the medical care facility and the Chief Medical Examiner under subsection (g) of this section; or

(2) The failure of the employer or the employer's designee to subsequently notify the first responder of the possible contact exposure to a contagious disease or virus.

(g) *Development and publication of procedures.* — (1) The State Fire Marshal, the Chief Medical Examiner, and each fire department, rescue squad company, medical care facility, correctional institution, and law enforcement agency in the State shall develop written procedures for the implementation of this section.

(2) On request, the State Fire Marshal and each fire department, rescue squad company, medical care facility, correctional institution, and law enforcement agency shall make copies of the procedures developed in this subtitle available to employees, employee unions, volunteer associations, and the Secretary.

(h) *Refusal to treat or transport HIV positive decedent prohibited.* — A person covered under subsection (a)(5), (6), (7), (8), (9), and (10) of this section may not refuse to treat or transport a deceased person because the deceased person was HIV positive at the time of death. (1994, ch. 165, § 3; ch. 166, § 3; ch. 534; 1995, ch. 3, §§ 1, 2; 1997, ch. 114, § 1; 1998, ch. 74; 1999, ch. 393; 2001, ch. 29, § 1; ch. 730; 2005, ch. 25, § 6; 2014, ch. 217; 2015, ch. 22, § 5; ch. 302.)

Subtitle 3. Specific Diseases.

Part VI. Acquired Immune Deficiency Syndrome (AIDS).

§ 18-336. Testing.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Health care facility” has the same meaning stated in § 18-338.2 of this subtitle.

(3) “Health care provider” means a physician, nurse, or designee of a health care facility.

(4) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

(b) *Consent required for testing; counseling.* — (1) Except as provided in Title 11, Subtitle 1, Part II of the Criminal Procedure Article or § 18-338.3 of this subtitle, before obtaining a fluid or tissue sample from the body of an individual for the purpose of testing the fluid or tissue for the presence of HIV infection, a health care provider shall:

(i) Inform the individual verbally or in writing that HIV testing will be performed on a specimen obtained from the individual unless the individual refuses HIV testing;

(ii) Provide the individual verbal or written information or show a video that includes an explanation of HIV infection and the meaning of positive and negative test results;

(iii) Offer the individual an opportunity to ask questions and decline HIV testing; and

(iv) If the individual refuses HIV testing, document in the medical record the individual’s decision.

(2) (i) Consent for HIV testing shall be included in a patient’s general informed consent for medical care in the same category as other screening and diagnostic tests.

(ii) Except as otherwise provided in this section, a health care provider may not be required to obtain consent for HIV testing using a separate consent form.

(3) A health care provider shall make available to individuals for whom HIV testing is performed easily understood informational materials in the languages of the commonly encountered populations of the health care provider.

(c) *Informed consent for HIV testing document.* — (1) If the HIV test is ordered at a location that is not a health care facility, informed consent shall be in writing and signed by the individual on an informed consent for HIV testing document that is approved by the Department.

(2) The informed consent for HIV testing document shall be distinct and separate from all other consent forms.

(3) A patient identifying number obtained from an anonymous and confidential test site which is approved by the Department may be evidence of a patient’s informed consent in lieu of a patient’s signature.

(d) *Refusal to consent.* — An individual’s refusal to undergo an HIV test or a positive test result may not be used as the sole basis by an institution or laboratory to deny services or treatment.

(e) *Substitute consent.* — If the individual is unable to give informed consent, substitute consent may be given under § 5-605 of this article.

(f) *Test results.* — A health care provider who obtains a result from an HIV test conducted in accordance with the provisions of subsection (b) of this section shall:

(1) Notify the individual from whom the fluid or tissue sample was obtained of the result; and

(2) If the test is positive:

(i) Provide a referral for treatment and supportive services;

(ii) Counsel the individual to inform all sexual and needle-sharing partners of the individual’s positive HIV status;

(iii) Offer to assist in notifying the individual’s sexual and needle-sharing partners or refer the individual to the local health officer to assist the individual with notifying the individual’s sexual and needle-sharing partners; and

(iv) If necessary, take action appropriate to comply with § 18-337 of this subtitle.

(g) *Information on referral sources.* — Local health officers shall make available to health care providers in their jurisdiction information on referral resources for an individual with an HIV positive status, including counseling, testing, needs assessment, treatment, and support services. (1989, ch. 789, § 1; 1992, chs. 90, 91; 1994, ch. 3, § 1; 1995, ch. 321; 1996, ch. 585, § 18; 2001, ch. 35; 2003, ch. 143; 2004, ch. 25, § 6; 2007, chs. 182, 183; 2008, chs. 222, 223; 2015, ch. 22, § 5; ch. 112.)

Maryland Law Review. — For article, “The Remains of Privacy’s Disclosure Tort: An Exploration of the Private Domain,” see 55 Md. L. Rev. 425 (1996).

Confidential relationship. — The relationship between a health care provider and its patient is one of trust and confidence and, absent a statute permitting otherwise, the patient has a right to assume that the patient’s medical condition will not voluntarily be dis-

closed by the provider to other persons without the patient’s consent. *Lemon v. Stewart*, 111 Md. App. 511, 682 A.2d 1177 (1996).

No duty to inform extended family. — When a patient is diagnosed as positive for HIV or AIDS, the patient’s health care provider does not have a duty to inform members of the patient’s extended family of the patient’s positive status. *Lemon v. Stewart*, 111 Md. App. 511, 682 A.2d 1177 (1996).

§ 18-338.1. Health care providers.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Body fluids” means:

1. Any fluid containing visible blood, semen, or vaginal secretions; or
2. Cerebrospinal fluid, synovial, or amniotic fluid.

(ii) “Body fluid” does not include saliva, stool, nasal secretions, sputum, tears, urine, or vomitus.

(3) “Exposure” means as between a patient and a health care provider:

(i) Percutaneous contact with blood or body fluids;

- (ii) Mucocutaneous contact with blood or body fluids;
- (iii) Open wound, including dermatitis, exudative lesions, or chapped skin, contact with blood or body fluids for a prolonged period; or
- (iv) Intact skin contact with large amounts of blood or body fluids for a prolonged period.

(4) “Health care facility” means a facility or office where health or medical care is provided to patients by a health care provider, including:

- (i) A health care facility as defined in § 19-114(d)(1) of this article;
- (ii) A facility operated by the Department or a health officer;
- (iii) The office of a health care provider; or
- (iv) A medical laboratory.

(5) (i) “Health care provider” means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health or medical care in:

1. The ordinary course of business or practice of a profession; or
2. In an approved education or training program.

(ii) “Health care provider” includes any agent or employee of a health care facility.

(iii) “Health care provider” does not include any individual who is eligible to receive notification under the provisions of § 18-213 of this title, including any law enforcement officer or any member of any fire department, ambulance company, or rescue squad.

(6) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

(b) *Informed consent — Requirements.* — Except as provided in § 18-338.3 of this subtitle, a physician, nurse, or designee of a health care facility shall, at the request of an exposed health care provider, seek the informed consent of a patient to test a blood sample of the patient for the presence of HIV when:

(1) There has been an exposure between the patient and the health care provider;

(2) The health care provider involved in the exposure has given prompt written notice of the exposure, in accordance with the standards of the health care facility, to the chief executive officer or the chief executive officer’s designee of the health care facility where the exposure occurred;

(3) The exposure occurred based on the judgment of a physician who is not the health care provider involved in the exposure; and

(4) The health care provider involved in the exposure has given informed consent and has submitted a blood sample to be tested for the presence of HIV in accordance with the provisions of subsection (d) of this section.

(c) *Substitute consent.* — If, by virtue of the physical or mental condition of a patient, a physician, nurse, or designee of a health care facility is unable to obtain the informed consent of the patient to test a blood sample of the patient for the presence of HIV in accordance with subsection (b) of this section, the physician, nurse, or designee of the health care facility shall seek the consent of any person who has authority to consent to medical care for the patient as provided under § 5-605 of this article or as otherwise authorized by law.

(d) *Testing.* — If the patient’s informed consent has been obtained in accordance with subsection (b) of this section or substitute consent has been

obtained in accordance with subsection (c) of this section and the other requirements of subsection (b) of this section have been satisfied, a physician or the physician's designee shall:

(1) Collect the blood sample from the patient and health care provider involved in the exposure; and

(2) Have the blood samples tested for the presence of HIV using a test procedure approved by the Department.

(e) *Notice of results — In general.* — When a physician obtains the results of a test for the presence of HIV that was conducted in accordance with the provisions of subsection (d) of this section, the physician or a designee of the health care facility shall directly notify the health care provider and the patient of the results of the patient's HIV test.

(f) *Notice of results — Requirements.* — The notification required under subsection (e) of this section shall:

(1) Be made within 48 hours of confirmation of the results of the patient's HIV test;

(2) Include subsequent written confirmation of the possible exposure to HIV; and

(3) To the extent possible, be made in a manner that will protect the confidentiality of the health care provider and the patient.

(g) *Positive test results — Counseling.* — If the results of a test for the presence of HIV that was conducted in accordance with the provisions of subsection (d) of this section are positive, a physician or the physician's designee shall provide or arrange for the provision of appropriate counseling to the health care provider and the patient.

(h) *Confidentiality.* — (1) Notwithstanding the provisions of Title 4, Subtitle 3 of this article, the records, including any physician order for an HIV test or the results of an HIV test performed on a blood sample of a patient or a health care provider in accordance with the provisions of this section, may not be documented in the medical record of the patient or health care provider.

(2) The health care facility shall maintain a separate confidential record or incident report for all HIV tests performed on a blood sample of a patient or health care provider in accordance with the provisions of this section.

(3) The health care facility shall adopt procedures for the confidential testing of blood samples obtained in accordance with the provisions of this section.

(4) Except as provided in paragraph (5) of this subsection, the records, including any physician order for an HIV test or the results, of any HIV test performed on a blood sample of a patient or health care provider in accordance with the provisions of this section are:

(i) Confidential; and

(ii) Not discoverable or admissible in evidence in any criminal, civil, or administrative action.

(5) If the identity of the patient or any other information that could be readily associated with the identity of the patient is not disclosed, the results of an HIV test performed on a patient or health care provider in accordance with the provisions of this section may be introduced into evidence in any

criminal, civil, or administrative action including the adjudication of a workers' compensation claim.

(i) *Costs.* — The costs incurred in performing an HIV test on a patient or health care provider in accordance with the provisions of this section shall be paid by the health care facility.

(j) *Procedures.* — All health care facilities shall develop written procedures to implement the provisions of this section.

(k) *Liability of health care provider — Disclosures.* — A health care provider or health care facility acting in good faith to provide notification or maintain the confidentiality of the results of a test for the presence of HIV in accordance with the provisions of this section may not be held liable in any cause of action related to a breach of patient or health care provider confidentiality.

(l) *Practice protocol.* — The Medical and Chirurgical Faculty of the State of Maryland in consultation with the Centers for Disease Control and Prevention, the Maryland Hospital Association, and the Maryland Department of Health shall develop a practice protocol for physicians who are infected with HIV. (1991, ch. 535; 1992, ch. 22, § 1; ch. 432; 1994, ch. 3, § 1; 1995, ch. 3, § 22; 1998, ch. 21, § 1; 1999, ch. 702, § 5; 2001, ch. 29, § 5; 2003, ch. 143; 2010, ch. 72; 2011, ch. 65; 2017, ch. 214, § 7.)

Editor's note. — Pursuant to § 7, ch. 214, Acts 2017, "Maryland Department of Health" was substituted for "Department of Health and Mental Hygiene" in (l).

Confidential relationship. — The relationship between a health care provider and its patient is one of trust and confidence and, absent a statute permitting otherwise, the patient has a right to assume that patient's medical condition will not voluntarily be disclosed

by the provider to other persons without the patient's consent. *Lemon v. Stewart*, 111 Md. App. 511, 682 A.2d 1177 (1996).

No duty to inform extended family. — When a patient is diagnosed as positive for HIV or AIDS, the patient's health care provider does not have a duty to inform members of the patient's extended family of the patient's positive status. *Lemon v. Stewart*, 111 Md. App. 511, 682 A.2d 1177 (1996).

§ 18-338.3. HIV Testing — Health care workers or first responders.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) "Body fluids" means:

1. Any fluid containing visible blood, semen, or vaginal secretions; or
2. Cerebrospinal fluid, synovial fluid, or amniotic fluid.

(ii) "Body fluids" does not include saliva, stool, nasal secretions, sputum, tears, urine, or vomitus.

(3) "Exposure" means:

- (i) Percutaneous contact with blood or body fluids;
- (ii) Mucocutaneous contact with blood or body fluids;
- (iii) Open wound, including dermatitis, exudative lesions, or chapped skin, contact with blood or body fluids for a prolonged period; or
- (iv) Intact skin contact with large amounts of blood or body fluids for a prolonged period.

(4) "First responder" means an individual who:

- (i) Is licensed or certified under § 13-516 of the Education Article; and

(ii) Provides services to an individual before the individual is admitted to a hospital.

(5) (i) “Health care provider” means an individual who is licensed, certified, or otherwise authorized under the Health Occupations Article or this article to provide health or medical care in:

1. The ordinary course of business or practice of a profession; or
2. An approved education or training program.

(ii) “Health care provider” includes any agent or employee of a hospital.

(iii) “Health care provider” does not include an individual who is eligible to receive notification under the provisions of § 18-213 of this title, including any law enforcement officer or any member of any fire department, ambulance company, or rescue squad.

(6) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

(7) “Hospital” has the meaning stated in § 19-301 of this article.

(8) “Public safety worker” means:

(i) A career or volunteer member of a fire, rescue, or emergency medical services department, company, squad, or auxiliary;

(ii) A law enforcement officer;

(iii) The State Fire Marshal or a sworn member of the State Fire Marshal’s office; or

(iv) A forensic scientist who works under the direction of a law enforcement agency.

(b) *In general; consent; notice.* — Notwithstanding the provisions of § 18-338.1 of this subtitle, the designated infectious disease/communicable disease officer of a hospital shall order a test for the presence of antibodies to the human immunodeficiency virus (HIV) under subsection (d) of this section when:

(1) There has been an exposure in a hospital between a patient and a health care provider, an exposure between a patient and a first responder, or an exposure between a patient and a public safety worker before admission of the patient to a hospital, that, in accordance with the Centers for Disease Control and Prevention recommendations, would warrant recommending or offering chemoprophylaxis treatment for the health care provider, first responder, or public safety worker;

(2) (i) Informed consent, or substitute consent as required under § 18-338.1(c) of this subtitle, of the patient to test a blood sample of the patient for the presence of HIV was sought and the patient was unavailable or unable to consent; or

(ii) Informed consent, or substitute consent as required under § 18-338.1(c) of this subtitle, of the patient to test a blood sample already obtained from the patient for the presence of HIV was sought, the patient refused, and the patient was informed of the provisions of this subsection;

(3) (i) In accordance with hospital procedures, the health care provider involved in the exposure has given prompt notice of the exposure to the designated hospital infectious disease/communicable disease officer where the exposure occurred; or

(ii) 1. A. The first responder involved in the exposure has given prompt notice to the medical director with jurisdiction over the first responder; or

B. The public safety worker involved in the exposure has given prompt notice to the medical director with jurisdiction over the public safety worker; and

2. The medical director has given prompt notice to the designated hospital infectious disease/communicable disease officer where the patient is admitted;

(4) The health care provider, first responder, or public safety worker involved in the exposure has given informed consent and has submitted a blood sample to be tested for the presence of HIV; and

(5) The designated hospital infectious disease/communicable disease officer has made a determination, in accordance with the Centers for Disease Control and Prevention recommendations, that the testing of blood samples or other body fluids of the patient for the presence of antibodies to the human immunodeficiency virus (HIV) would be helpful in managing the risk of disease and health outcome of the health care provider, first responder, or public safety worker.

(c) *Exposure between first responder or public safety worker and individual prior to hospital admission.* — If there has been an exposure between a first responder and an individual or a public safety worker and an individual before the admission of the individual to a hospital:

(1) The first responder or public safety worker shall give notice to the first responder's or public safety worker's medical director in accordance with subsection (b)(3)(ii)1 of this section;

(2) The medical director shall act as an intermediary at all times between the first responder or public safety worker and the designated hospital infectious disease/communicable disease officer; and

(3) The medical director and the designated hospital infectious disease/communicable disease officer shall ensure that all communications and information related to the exposure of the first responder or public safety worker are confidential.

(d) *Testing ordered.* — If the requirements of subsections (b) and (c) of this section are satisfied, the designated hospital infectious disease/communicable disease officer shall order tests to be conducted for the presence of antibodies to the human immunodeficiency virus (HIV) using a test procedure approved by the Department on:

(1) Blood samples already obtained from the patient; or

(2) Blood samples or other body fluids collected for the purpose of HIV testing under this section.

(e) *Notification of results.* — When the designated hospital infectious disease/communicable disease officer obtains the results of an HIV test conducted in accordance with the provisions of subsection (d) of this section, the designated hospital infectious disease/communicable disease officer shall attempt to directly notify the patient of the results of the HIV test and, to the extent possible, in a manner that will protect the confidentiality of the health care provider, the first responder, or the public safety worker and the patient.

(f) *Counseling and treatment.* — If the results of an HIV test conducted in accordance with the provisions of subsection (d) of this section are positive, the designated hospital infectious disease/communicable disease officer shall provide or arrange for the provision of appropriate counseling and treatment recommendations to the health care provider, first responder, or public safety worker and the patient.

(g) *Confidentiality.* — (1) Notwithstanding the provisions of Title 4, Subtitle 3 of this article, the medical records, including any physician order for an HIV test or the results of an HIV test conducted under this section, may not be documented in the medical record of the patient, health care provider, first responder, or public safety worker.

(2) The hospital where the exposure occurred shall maintain a separate confidential record or incident report for all HIV tests conducted under this section.

(3) Each hospital shall adopt procedures for the confidential HIV testing of blood samples or other body fluids used or collected for purposes of this section.

(4) Except as provided in paragraph (5) of this subsection, the medical records, including any physician order for an HIV test or the results of any HIV test conducted under this section, are:

(i) Confidential; and

(ii) Not discoverable or admissible in evidence in any criminal, civil, or administrative action.

(5) If the identity of the patient or any other information that could be readily associated with the identity of the patient is not disclosed, the results of an HIV test conducted on a patient for purposes of this section may be introduced into evidence in any criminal, civil, or administrative action including the adjudication of a workers' compensation claim.

(h) *Costs.* — The costs incurred in performing an HIV test on a patient in accordance with the provisions of this section shall be paid by the hospital.

(i) *Adoption of written procedures.* — Each hospital shall develop written procedures to implement the provisions of this section.

(j) *Liability for breach of confidentiality.* — A health care provider, first responder, public safety worker, or hospital or designee of a hospital acting in good faith to provide notification or maintain the confidentiality of the results of a test conducted under this section may not be held liable in any cause of action related to a breach of patient, health care provider, first responder, or public safety worker confidentiality. (2003, ch. 143; 2004, ch. 25, § 6; 2005, chs. 300, 330; 2006, ch. 44; 2007, chs. 5, 227; 2010, ch. 72.)

Subtitle 7. Center for the Study of the Health Effects of Fire.

§ 18-701. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Advisory Council.* — “Advisory Council” means the Advisory Council to the Center for the Study of the Health Effects of Fire.

(c) *Center*. — “Center” means the Center for the Study of the Health Effects of Fire. (1988, ch. 185; 2004, ch. 25, § 6.)

§ 18-702. Center established.

There is a Center for the Study of the Health Effects of Fire. (1988, ch. 185.)

§ 18-703. Director; staff.

(a) *Director*. — The Chief Medical Examiner is the Director of the Center.

(b) *Staff*. — The Chief Medical Examiner shall employ a staff for the Center in accordance with the State budget. (1988, ch. 185.)

§ 18-704. Duties generally.

The Center shall:

- (1) Study the long and short term health effects of exposure to fire;
- (2) Gather and analyze information concerning the morbidity and mortality of fire-related injury or death;
- (3) Establish and maintain a registry of individuals who suffer fire-related injury or death;
- (4) Establish a computerized data base concerning injuries and health effects of fire;
- (5) Be a common repository for information routinely collected concerning fires;
- (6) Communicate with national data bases of scientific literature in toxicology, chemistry, epidemiology, and other related scientific disciplines;
- (7) Establish and maintain communication and collaboration with existing agencies, such as the National Institute of Standards and Technology, involved in programs related to the health effects of fire;
- (8) Encourage and facilitate interest in fire-related issues at the educational institutions located in the State;
- (9) In accordance with the State budget, provide funding for pilot studies addressing issues or factors affecting injuries or health effects of fire;
- (10) Apply for federal or private research grants to investigate issues relating to the health effects of fire;
- (11) Solicit and follow the recommendations of the Advisory Council concerning future activities or projects of the Center; and
- (12) Provide staff support to the Advisory Council, as needed. (1988, ch. 185; 1990, ch. 34.)

§ 18-705. Information collected confidential, not discoverable or admissible.

Information collected by the Center and intended for use in a research project or study is:

- (1) Confidential; and
- (2) Not discoverable or admissible in evidence in a civil or criminal action to determine:

- (i) Cause of death; or
- (ii) Liability for injury or death. (1988, ch. 185.)

§ 18-706. Advisory Council — Established.

There is an Advisory Council to the Center for the Study of the Health Effects of Fire. (1988, ch. 185.)

§ 18-707. Advisory Council — Members.

(a) *Composition; appointment.* — (1) The Advisory Council consists of 7 members.

(2) (i) The Secretary shall appoint the members from a list submitted to the Secretary by:

1. Appropriate academic or research facilities having expertise in this area;
2. The Chief Medical Examiner; and
3. The Secretary of the Department of the Environment.

(ii) The number of names on the list shall be 3 times the number of vacancies.

(b) *Qualifications.* — Each member shall be an individual with demonstrated scientific and technical expertise in the field of toxicology, epidemiology, or occupational medicine.

(c) *Term; vacancies.* — (1) The term of a member is 5 years.

(2) The terms of members are staggered as required by the terms provided for members of the Council on July 1, 1988.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) *Removal.* — The Secretary may remove a member for incompetence or misconduct. (1988, ch. 185; 2001, ch. 154.)

§ 18-708. Advisory Council — Chairperson.

(a) *In general.* — From among its members, the Advisory Council shall elect a chairperson.

(b) *Manner of election.* — The manner of election of the chairperson shall be as the Advisory Council determines. (1988, ch. 185.)

§ 18-709. Advisory Council — Meetings; compensation.

(a) *Meetings.* — The Advisory Council shall determine the times and places of its meetings.

(b) *Compensation and reimbursement of expenses.* — A member of the Advisory Council:

(1) May not receive compensation; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget. (1988, ch. 185; 1994, ch. 3, § 5.)

§ 18-710. Advisory Council — Duties.

The Advisory Council shall:

- (1) Review the work of the Center;
- (2) Advise the Director of the Center concerning the scientific evaluation of the information collected by the Center; and
- (3) Assist the Center in setting priorities concerning issues to be researched. (1988, ch. 185; 1989, ch. 5, § 1; 1992, ch. 432; 1993, ch. 4, § 2.)

§ 18-711. Regulations.

The Secretary, in consultation with the State Postmortem Examiners Commission, may adopt regulations to carry out the provisions of this subtitle. (1988, ch. 185.)

Subtitle 9. Catastrophic Health Emergency Disease Surveillance and Response Program.

§ 18-901. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Catastrophic health emergency.* — “Catastrophic health emergency” has the meaning stated in § 14-3A-01 of the Public Safety Article.

(c) *Deadly agent.* — “Deadly agent” has the meaning stated in § 14-3A-01 of the Public Safety Article.

(d) *Exposure to a deadly agent.* — “Exposure to a deadly agent” has the meaning stated in § 14-3A-01 of the Public Safety Article.

(e) *Health care facility.* — “Health care facility” has the meaning stated in § 19-114(d)(1) of this article.

(f) *Health care practitioner.* — (1) “Health care practitioner” has the meaning stated in § 19-114(e) of this article.

(2) “Health care practitioner” includes an individual licensed or certified as an emergency medical services provider under § 13-516 of the Education Article.

(g) *Health care provider.* — “Health care provider” means:

- (1) A health care facility; or
- (2) A health care practitioner. (2002, ch. 1; 2003, ch. 21, § 1; 2004, ch. 26, § 5; 2012, ch. 66, § 1; 2013, ch. 43.)

Cross references. — For present provisions concerning the Emergency Management Assistance Compact, see § 14-801 et seq. of the Public Safety Article.

For present provisions concerning the Governor’s powers during a catastrophic health emergency, see § 14-3A-01 et seq. of the Public Safety Article.

Editor’s note. — Section 2, ch. 1, Acts 2002, provides that “after an executive order pro-

claiming the existence of a catastrophic health emergency is rescinded, the State shall make reasonable efforts to determine the costs associated with health care providers’ compliance with the proclamation and, based on that information, include health care providers in any application for State and federal financial aid as appropriate.”

§ 18-902. Authority of Secretary; investigation and prevention of actual or potential exposure.

Notwithstanding any other provision of law, the Secretary may exercise the authority granted in this subtitle to:

- (1) Continuously evaluate and modify existing disease surveillance procedures in order to detect a catastrophic health emergency;
- (2) Investigate actual or potential exposures to a deadly agent; and
- (3) Treat, prevent, or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent. (2002, ch. 1.)

§ 18-903. Development and implementation of contingency plans.

(a) *Power of Secretary to require adoption of accredited contingency plans.* —

(1) In accordance with procedures to be adopted by the Department, the Secretary, in consultation with health care facilities, may require health care facilities to develop and implement contingency plans addressing:

- (i) Staff training needs;
 - (ii) Stockpiling of equipment, medication, and supplies necessary to address a catastrophic health emergency;
 - (iii) Treatment and decontamination protocols;
 - (iv) The coordination of services with other public and private entities;
- and

(v) Any other area that the Secretary determines is necessary to assist in the early detection and treatment of an individual exposed to a deadly agent.

(2) To the extent feasible, the procedures to be adopted by the Department under paragraph (1) of this subsection shall be consistent with accreditation requirements of the Joint Commission on Accreditation of Healthcare Organizations.

(b) *Protocols and plans.* — After consulting with the appropriate licensing board, the Secretary:

(1) Shall publish protocols to assist health care practitioners in developing plans to respond to a catastrophic health emergency; and

(2) May, if necessary, require health care practitioners to implement the plans developed under item (1) of this subsection.

(c) *Process for licensing, certifying or credentialing providers.* — The Secretary shall coordinate with the health occupations boards to develop a process to license, certify, or credential both licensed health care practitioners and out-of-state health care practitioners who may be needed to respond to a catastrophic health emergency. (2002, ch. 1; 2006, ch. 505; 2009, ch. 60, § 5.)

§ 18-904. Reporting requirements.

(a) *“Information” defined.* — In this section, “information” means medical, epidemiological, or other data concerning a specific individual or a group of individuals, regardless of whether the information is otherwise deemed confidential under Title 4 of this article or as otherwise provided under law.

(b) *Methods of reporting or disclosing information.* — In order to maintain an effective disease surveillance system for detecting whether individuals have been exposed to a deadly agent, the Secretary may by order, directive, or regulation:

(1) Require a health care provider or other person to report information to the Secretary or other public official on the following:

(i) The presence of an individual or group of individuals with specified illnesses or symptoms;

(ii) Diagnostic and laboratory findings relating to diseases caused by deadly agents;

(iii) Statistical or utilization trends relating to potential disease outbreaks;

(iv) Information needed to conduct contact tracing for exposed individuals; and

(v) Other data deemed by the Secretary to have epidemiological significance in detecting possible catastrophic health emergencies;

(2) Obtain access to information in the possession of a health care provider;

(3) Require or authorize a health care provider to disclose information to an agency of the federal, State, or local government or another health care provider;

(4) Require a health care provider or other person to submit reports to the Department containing information detailing the presence and use of deadly agents;

(5) Obtain access to premises in order to secure environmental samples and otherwise investigate actual or potential exposures to deadly agents; and

(6) Require a veterinarian or other person to report data relating to specified illnesses or symptoms in animal populations.

(c) *Limitation on use.* — The Secretary, in acquiring information under subsection (b) of this section, shall:

(1) Request and use nonidentifying information whenever possible; and

(2) Limit the use of confidential information to the extent necessary to detect and investigate actual or potential exposures to a deadly agent.

(d) *Confidentiality.* — (1) Any information that the Secretary receives under subsection (b) of this section is confidential and may be used or disclosed only in accordance with this section.

(2) If the information requested in subsection (b) of this section is otherwise confidential under Title 4 of this article or as otherwise provided under law, the Secretary or person that receives the information may not redisclose the information except as provided in paragraph (3) of this subsection.

(3) A person may redisclose the information to another health care provider or public official provided that:

(i) The health care provider or public agency to whom the information is disclosed will maintain the confidentiality of the disclosure; and

(ii) The Secretary determines the disclosure is necessary to treat, prevent, or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent. (2002, ch. 1.)

§ 18-905. Enforcement.

(a) *Orders.* — In investigating actual or potential exposures to a deadly agent, the Secretary:

(1) (i) May issue an order requiring individuals whom the Secretary has reason to believe have been exposed to a deadly agent to seek appropriate and necessary evaluation and treatment;

(ii) When the Secretary determines that it is medically necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent, may order an individual or group of individuals to go to and remain in places of isolation or quarantine until the Secretary determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public; and

(iii) If a competent individual over the age of 18 refuses vaccination, medical examination, treatment, or testing under this paragraph, may require the individual to go to and remain in places of isolation or quarantine until the Secretary determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public;

(2) May coordinate and direct the efforts of any health officer or health commissioner of any subdivision in seeking to detect or respond to threats posed by a deadly agent; and

(3) May order any sheriff, deputy sheriff, or other law enforcement officer of the State or any subdivision to assist in the execution or enforcement of any order issued under this subtitle.

(b) *When issued.* — The Secretary may issue an order under subsection (a) of this section:

(1) If, prior to the issuance of a proclamation under § 14-3A-02 of the Public Safety Article, the Secretary determines that the disease or outbreak can be medically contained by the Department and appropriate health care providers; and

(2) As necessary to implement an order issued by the Governor under § 14-3A-02 of the Public Safety Article. (2002, ch. 1, § 1; 2003, ch. 21, § 1; 2004, ch. 26, § 5.)

§ 18-906. Quarantine; appeal.

(a) *Directives.* — (1) If the Secretary requires an individual or a group of individuals to go to and remain in places of isolation or quarantine under § 18-905 of this subtitle, the Secretary shall issue a directive to the individual or group of individuals.

(2) The directive shall specify:

(i) The identity of the individual or group of individuals subject to isolation or quarantine;

(ii) The premises subject to isolation or quarantine;

(iii) The date and time at which isolation or quarantine commences;

(iv) The suspected deadly agent causing the outbreak or disease, if known;

(v) The basis upon which isolation or quarantine is justified; and

(vi) The availability of a hearing to contest the directive.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, the directive shall be in writing and given to the individual or group of individuals prior to the individual or group of individuals being required to go to and remain in places of isolation and quarantine.

(ii) 1. If the Secretary determines that the notice required under subparagraph (i) of this paragraph is impractical because of the number of individuals or geographical areas affected, the Secretary shall ensure that the affected individuals are fully informed of the directive using the best possible means available.

2. If the directive applies to a group of individuals and it is impractical to provide written individual copies under subparagraph (i) of this paragraph, the written directive may be posted in a conspicuous place in the isolation or quarantine premises.

(b) *Hearings.* — (1) An individual or group of individuals isolated or quarantined under subsection (a) of this section may request a hearing in circuit court contesting the isolation or quarantine.

(2) A request for a hearing may not stay or enjoin an isolation or quarantine directive.

(3) Upon receipt of a request under this subsection, the court shall conduct a hearing within 3 days from receipt of the request.

(4) (i) In any proceedings brought for relief under this subsection, the court may extend the time for a hearing upon a showing by the Secretary or other designated official that extraordinary circumstances exist that justify the extension.

(ii) In granting or denying an extension, the court shall consider the rights of the affected individual, the protection of the public health, the severity of the catastrophic health emergency, and the availability, if necessary, of witnesses and evidence.

(5) (i) 1. The court shall grant the request for relief unless the court determines that the isolation or quarantine directive is necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent.

2. If feasible, in making a determination under this subparagraph, the court may consider the means of transmission, the degree of contagion, and, to the extent possible, the degree of public exposure to the disease.

(ii) 1. An order authorizing the isolation or quarantine issued under this paragraph shall:

A. Identify the isolated or quarantined individual or group of individuals by name or shared characteristics;

B. Specify factual findings warranting isolation or quarantine; and

C. Except as provided in subparagraph 2 of this subparagraph, be in writing and given to the individual or group of individuals.

2. If the court determines that the notice required in subparagraph 1C of this subparagraph is impractical because of the number of individuals or geographical areas affected, the court shall ensure that the affected individuals are fully informed of the order using the best possible means available.

(iii) An order authorizing isolation or quarantine is effective for a period not to exceed 30 days.

(iv) 1. Prior to the expiration of an order, the Secretary or designated official may move to continue isolation or quarantine for subsequent 30-day periods.

2. The court shall base its decision on the standards provided under this paragraph.

(6) In the event that an individual cannot personally appear before the court, proceedings may be conducted:

(i) By an individual's authorized representative; and

(ii) Through any means that allow other individuals to fully participate.

(7) In any proceedings brought under this subsection, the court may order the consolidation of individual claims into group claims where:

(i) The number of individuals involved or affected is so large as to render individual participation impractical;

(ii) There are questions of law or fact common to the individual claims or rights to be determined;

(iii) The group claims or rights to be determined are typical of the affected individual's claims or rights; or

(iv) The entire group will be adequately represented in the consolidation.

(c) *Appointment of counsel.* — The court shall appoint counsel to represent individuals or a group of individuals who are not otherwise represented by counsel.

(d) *Emergency rules.* — The court of appeals shall develop emergency rules of procedure to facilitate the efficient adjudication of any proceedings brought under this section.

(e) *Discharge from employment unlawful.* — It shall be unlawful for any public or private employer to discharge an employee who is under an order of isolation or quarantine or because of such an order. (2002, ch. 1; 2003, ch. 21, § 1; 2009, ch. 60, § 5; 2010, ch. 72.)

§ 18-907. Failure to comply.

(a) *Noncompliance by individuals.* — (1) A person may not knowingly and willfully fail to comply with any order, regulation, or directive issued in accordance with § 18-905 of this subtitle.

(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$3,000 or both.

(b) *Noncompliance by health care facilities.* — If a health care facility fails to comply with an order, regulation, or directive issued under § 18-903 or § 18-904 of this subtitle, the Secretary may impose a civil penalty not to exceed \$3,000 for each offense.

(c) *Noncompliance by health care practitioners.* — If a health care practitioner fails to comply with an order, regulation, or directive issued under § 18-903 or § 18-904 of this subtitle, the Secretary may request the appropri-

ate licensing board to take disciplinary action against the health care practitioner, including:

- (1) Placing the licensee or certificate holder on probation;
- (2) Suspending or revoking the license or certificate holder; or
- (3) Imposing a civil penalty not to exceed \$3,000 for each offense.

(d) *Immunity from liability.* — A health care provider acting in good faith and in accordance with a catastrophic health emergency disease surveillance and response program is immune from civil or criminal liability related to those actions, unless the health care provider acts with willful misconduct. (2002, ch. 1.)

§ 18-908. Report by Secretary.

(a) *Reports.* — On or before December 31, 2002, the Secretary shall submit a report to the Governor and to the General Assembly in accordance with § 2-1257 of the State Government Article regarding any plans, procedures, or protocols developed under this subtitle or any recommendations for additional legislation that may be necessary to respond to a catastrophic health emergency.

(b) *Updates to reports.* — The Secretary shall update the report required under subsection (a) of this section every 3 years or when any plan, procedure, or protocol developed under this subtitle or any other provision of this subtitle is used in order to detect a catastrophic health emergency. (2002, ch. 1; 2019, ch. 510, § 4; ch. 511, § 4.)

Editor's note. — Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

TITLE 19.

HEALTH CARE FACILITIES.

Subtitle 1. Health Care Planning and Systems Regulation.

Part II. Health Planning and Development.

§ 19-130. Maryland Trauma Physician Services Fund.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Fund” means the Maryland Trauma Physician Services Fund.

(3) “Maryland Trauma Specialty Referral Centers” means:

- (i) The Johns Hopkins Health System Burn Program;
- (ii) The Eye Trauma Center at the Wilmer Eye Institute at The Johns Hopkins Hospital; and
- (iii) The Curtis National Hand Center at Union Memorial Hospital.

(4) “Rehabilitation hospital” means a facility classified as a special rehabilitation hospital as described in § 19-307 of this title that is affiliated with a trauma center by common ownership.

(5) (i) “Trauma center” means a facility designated by the Maryland Institute for Emergency Medical Services Systems as:

1. The State primary adult resource center;
2. A Level I trauma center;
3. A Level II trauma center;
4. A Level III trauma center;
5. A pediatric trauma center; or
6. The Maryland Trauma Specialty Referral Centers.

(ii) “Trauma center” includes an out-of-state pediatric trauma center that has entered into an agreement with the Maryland Institute for Emergency Medical Services Systems.

(6) “Trauma physician” means a physician who provides care in a trauma center or in a rehabilitation hospital to trauma patients on the State trauma registry as defined by the Maryland Institute for Emergency Medical Services Systems.

(7) “Uncompensated care” means care provided by a trauma physician to a trauma patient on the State trauma registry who:

- (i) Has no health insurance, including Medicare Part B coverage;
- (ii) Is not eligible for medical assistance coverage; and
- (iii) Has not paid the trauma physician for care provided by the trauma physician, after documented attempts by the trauma physician to collect payment.

(b) *Established.* — (1) There is a Maryland Trauma Physician Services Fund.

(2) The purpose of the Fund is to subsidize the documented costs:

- (i) Of uncompensated care incurred by a trauma physician in providing trauma care to a trauma patient on the State trauma registry;
- (ii) Of undercompensated care incurred by a trauma physician in providing trauma care to an enrollee of the Maryland Medical Assistance Program who is a trauma patient on the State trauma registry;
- (iii) Incurred by a trauma center to maintain trauma physicians on-call as required by the Maryland Institute for Emergency Medical Services Systems;
- (iv) Incurred by the State primary adult resource center to maintain trauma surgeons, orthopedic surgeons, neurosurgeons, and anesthesiologists on-call and on standby as required by the Maryland Institute for Emergency Medical Services Systems; and
- (v) Incurred by the Commission and the Health Services Cost Review Commission to administer the Fund and audit reimbursement requests to assure appropriate payments are made from the Fund.

(3) The Commission and the Health Services Cost Review Commission shall administer the Fund.

(4) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(5) Interest on and other income from the Fund shall be separately accounted for and credited to the Fund, and are not subject to § 6-226(a) of the State Finance and Procurement Article.

(c) *Funding.* — The Fund consists of motor vehicle registration surcharges paid into the Fund in accordance with § 13-954(b)(2) of the Transportation Article.

(d) *Method of disbursements.* — (1) Disbursements from the Fund shall be made in accordance with a methodology established jointly by the Commission and the Health Services Cost Review Commission to calculate costs incurred by trauma physicians and trauma centers that are eligible to receive reimbursement under subsection (b) of this section.

(2) The Fund shall transfer to the Maryland Department of Health an amount sufficient to fully cover the State's share of expenditures for the costs of undercompensated care incurred by a trauma physician in providing trauma care to an enrollee of the Maryland Medical Assistance Program who is a trauma patient on the State trauma registry.

(3) The methodology developed under paragraph (1) of this subsection shall:

(i) Take into account:

1. The amount of uncompensated care provided by trauma physicians;
2. The amount of undercompensated care attributable to the treatment of Medicaid enrollees in trauma centers;
3. The cost of maintaining trauma physicians on-call;
4. The number of patients served by trauma physicians in trauma centers;
5. The number of Maryland residents served by trauma physicians in trauma centers; and
6. The extent to which trauma-related costs are otherwise subsidized by hospitals, the federal government, and other sources; and

(ii) Include an incentive to encourage hospitals to continue to subsidize trauma-related costs not otherwise included in hospital rates.

(4) The methodology developed under paragraph (1) of this subsection shall use the following parameters to determine the amount of reimbursement made to trauma physicians and trauma centers from the Fund:

(i) 1. The cost incurred by a Level II trauma center to maintain trauma surgeons, orthopedic surgeons, and neurosurgeons on-call shall be reimbursed:

A. At a rate of up to 30% of the reasonable cost equivalents hourly rate for the specialty, inflated to the current year by the physician compensation component of the Medicare economic index as designated by the Centers for Medicare and Medicaid Services; and

B. For the minimum number of trauma physicians required to be on-call, as specified by the Maryland Institute for Emergency Medical Services Systems in its criteria for Level II trauma centers;

2. The cost incurred by a Level III trauma center to maintain trauma surgeons, orthopedic surgeons, neurosurgeons, and anesthesiologists on-call shall be reimbursed:

A. At a rate of up to 35% of the reasonable cost equivalents hourly rate for the specialty, inflated to the current year by the physician compensation component of the Medicare economic index as designated by the Centers for Medicare and Medicaid Services; and

B. For the minimum number of trauma physicians required to be on-call, as specified by the Maryland Institute for Emergency Medical Services Systems in its criteria for Level III trauma centers;

3. The cost incurred by a Level I trauma center or pediatric trauma center to maintain trauma surgeons, orthopedic surgeons, and neurosurgeons on-call when a post-graduate resident is attending in the trauma center shall be reimbursed:

A. At a rate of up to 30% of the reasonable cost equivalents hourly rate for the specialty, inflated to the current year by the physician compensation component of the Medicare economic index as designated by the Centers for Medicare and Medicaid Services; and

B. When a post-graduate resident is permitted to be in the trauma center, as specified by the Maryland Institute for Emergency Medical Services Systems in its criteria for Level I trauma centers or pediatric trauma centers;

4. The cost incurred by a Maryland Trauma Specialty Referral Center to maintain trauma surgeons on-call in the specialty of the Center when a post-graduate resident is attending in the Center shall be reimbursed:

A. At a rate of up to 30% of the reasonable cost equivalents hourly rate for the specialty, inflated to the current year by the physician compensation component of the Medicare economic index as designated by the Centers for Medicare and Medicaid Services; and

B. When a post-graduate resident is permitted to be in the Center, as specified by the Maryland Institute for Emergency Medical Services Systems in its criteria for a Maryland Trauma Specialty Referral Center; and

5. A. A Level II trauma center is eligible for a maximum of 24,500 hours of trauma on-call per year;

B. A Level III trauma center is eligible for a maximum of 35,040 hours of trauma on-call per year;

C. A Level I trauma center shall be eligible for a maximum of 4,380 hours of trauma on-call per year;

D. A pediatric trauma center shall be eligible for a maximum of 4,380 hours of trauma on-call per year; and

E. A Maryland Trauma Specialty Referral Center shall be eligible for a maximum of 2,190 hours of trauma on-call per year;

(ii) The cost of undercompensated care incurred by a trauma physician in providing trauma care to enrollees of the Maryland Medical Assistance Program who are trauma patients on the State trauma registry shall be reimbursed at a rate of up to 100% of the Medicare payment for the service, minus any amount paid by the Maryland Medical Assistance Program;

(iii) The cost of uncompensated care incurred by a trauma physician in providing trauma care to trauma patients on the State trauma registry shall be reimbursed at a rate of 100% of the Medicare payment for the service, minus any recoveries made by the trauma physician for the care;

(iv) The Commission, in consultation with the Health Services Cost Review Commission, may establish a payment rate for uncompensated care incurred by a trauma physician in providing trauma care to trauma patients on the State trauma registry that is above 100% of the Medicare payment for the service if:

1. The Commission determines that increasing the payment rate above 100% of the Medicare payment for the service will address an unmet need in the State trauma system; and

2. The Commission reports on its intention to increase the payment rate to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, at least 60 days before any adjustment to the rate;

(v) The Commission shall develop guidelines for the reimbursement of the documented costs of the State primary adult resource center under subsection (b)(2)(iv) of this section; and

(vi) The total reimbursement to emergency physicians from the Fund may not exceed \$300,000 annually.

(5) In order to receive reimbursement, a trauma physician in the case of costs of uncompensated care under subsection (b)(2)(i) of this section, or a trauma center in the case of on-call costs under subsection (b)(2)(iii) of this section, shall apply to the Fund on a form and in a manner approved by the Commission and the Health Services Cost Review Commission.

(6) (i) The Commission and the Health Services Cost Review Commission shall adopt regulations that specify the information that trauma physicians and trauma centers must submit to receive money from the Fund.

(ii) The information required shall include:

1. The name and federal tax identification number of the trauma physician rendering the service;

2. The date of the service;

3. Appropriate codes describing the service;

4. Any amount recovered for the service rendered;

5. The name of the trauma patient;

6. The patient's trauma registry number; and

7. Any other information the Commission and the Health Services Cost Review Commission consider necessary to disburse money from the Fund.

(iii) It is the intent of the General Assembly that trauma physicians and trauma centers shall cooperate with the Commission and the Health Services Cost Review Commission by providing information required under this paragraph in a timely and complete manner.

(e) *Limitation on expenditures in fiscal year; exception for trauma centers.* — (1) Except as provided in paragraph (2) of this subsection and notwithstanding any other provision of law, expenditures from the Fund for costs incurred in any fiscal year may not exceed revenues of the Fund.

(2) (i) The Commission, in consultation with the Health Services Cost Review Commission and the Maryland Institute for Emergency Medical Services Systems, shall develop a process for the award of grants to Level II and Level III trauma centers in the State to be used for equipment primarily used in the delivery of trauma care.

(ii) 1. The Commission shall issue grants under this paragraph from any balance carried over to the Fund from prior fiscal years.

2. The total amount of grants awarded under this paragraph in a fiscal year may not exceed 10% of the balance remaining in the Fund at the end

of the fiscal year immediately prior to the fiscal year in which grants are awarded.

(iii) The process developed by the Commission for the award of grants under this paragraph shall include:

1. Grant applications and review and selection criteria for the award of grants;
2. Review by the Commission, if necessary, for any project that exceeds certificate of need thresholds; and
3. Any other procedure determined necessary by the Commission.

(iv) Before awarding grants under this subsection in a fiscal year, the Commission shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on the process that the Commission has developed for awarding grants in that fiscal year.

(f) *Annual report.* — On or before November 1 of each year, the Commission and the Health Services Cost Review Commission shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

- (1) The amount of money in the Fund on the last day of the previous fiscal year;
- (2) The amount of money applied for by trauma physicians and trauma centers during the previous fiscal year;
- (3) The amount of money distributed in the form of trauma physician and trauma center reimbursements during the previous fiscal year;
- (4) Any recommendations for altering the manner in which trauma physicians and trauma centers are reimbursed from the Fund;
- (5) The costs incurred in administering the Fund during the previous fiscal year; and
- (6) The amount that each hospital that participates in the Maryland trauma system and that has a trauma center contributes toward the subsidization of trauma-related costs for its trauma center. (2003, ch. 385; 2006, ch. 484; 2007, ch. 627; 2008, ch. 238; 2009, chs. 546, 547; 2012, ch. 195; 2017, ch. 214, § 7; 2019, chs. 394, 395; ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Chapters 394 and 395, Acts 2019, effective July 1, 2019, made identical changes. Each reenacted (a)(1) and (a)(5) without change; added (b)(2)(iv) and (d)(4)(v) and redesignated accordingly; and made related changes.

Editor’s note. — Pursuant to § 7, ch. 214, Acts 2017, “Maryland Department of Health”

was substituted for “Department of Health and Mental Hygiene” in (d)(2).

Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

Subtitle 3. Hospitals and Related Institutions.

Part IV. Denials; Admissions Restrictions; Revocations.

§ 19-328. Admissions restrictions by Secretary.

(a) *In general.* — (1) If the Secretary determines that a life-threatening, health or fire safety deficiency exists in a related institution, the Secretary

immediately may restrict new admissions to the related institution for not more than a 30-day period.

(2) Within 7 days after a request by an aggrieved party, a hearing shall be held to determine the appropriateness of the admissions restriction.

(3) Within 21 days after admissions are restricted, the related institution shall take steps to correct the deficiency.

(b) *Hearing on corrections; actions if correction not made.* — (1) Unless the Secretary lifts the admissions restriction, within 30 days after admissions are restricted, a hearing shall be held to determine whether the related institution has taken enough steps to correct the deficiency.

(2) If the Secretary finds that the deficiency still exists, the Secretary may:

(i) Continue to restrict admissions for not more than 3 consecutive 30-day periods; or

(ii) Revoke the license of the related institution and move its residents to an appropriate, licensed facility.

(3) An aggrieved party is entitled to a hearing on each continuation of the admissions restriction. Within 7 days after a request by an aggrieved party, a hearing shall be held to determine the appropriateness of the admissions restriction. (An. Code 1957, art. 43, § 560A; 1982, ch. 21, § 2; 1983, ch. 583, § 2; 1985, ch. 10, § 3.)

Cited in *State v. Neiswanger Mgmt. Servs., LLC*, 457 Md. 441, 179 A.3d 941 (2018).

TITLE 21.

FOOD, DRUGS, AND COSMETICS.

Subtitle 3. Food Establishments.

Part I. Definitions; General Provisions.

§ 21-301. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Bottled water.* — (1) “Bottled water” means any water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(2) “Bottled water” does not include:

(i) Soft drinks; or

(ii) A beverage that is labeled “club soda” or “seltzer water”.

(b-1) *Cottage food business.* — “Cottage food business” means a business that:

(1) Produces or packages cottage food products in a residential kitchen;

(2) Sells the cottage food products in accordance with § 21-330.1 of this subtitle and regulations adopted by the Department; and

(3) Has annual revenues from the sale of cottage food products in an amount not exceeding \$25,000.

(b-2) *Cottage food product*. — “Cottage food product” means a nonhazardous food, as specified in regulations adopted by the Department, that is sold in the State in accordance with § 21-330.1 of this subtitle and regulations adopted by the Department:

(1) Directly to a consumer from a residence, at a farmer’s market, at a public event, by personal delivery, or by mail delivery; or

(2) To a retail food store, including a grocery store, or a food cooperative.

(c) *Crab meat*. — “Crab meat” means the edible meat of steamed or cooked crabs.

(d) *Crab meat plant*. — “Crab meat plant” means:

(1) A picking plant; or

(2) A place where crab meat is heat-treated to improve the keeping quality of the crab meat.

(e) *Excluded organization*. — “Excluded organization” means:

(1) A bona fide nonprofit fraternal, civic, war veterans’, religious, or charitable organization or corporation that does not serve food to the public more often than 4 days per week except that once a year an organization may serve food to the public for up to 30 consecutive days; and

(2) A volunteer fire company that does not serve food to the public more often than 4 days per week except that once a year a volunteer fire company may serve food to the public for up to 30 consecutive days.

(f) *Food establishment*. — “Food establishment” means:

(1) A food service facility; or

(2) A food processing plant.

(g) *Food processing plant*. — (1) “Food processing plant” means any place used for, or in connection with, the commercial manufacturing, preparing, processing, packaging, canning, freezing, storing, distributing, labeling, or holding of food or drink for human consumption.

(2) “Food processing plant” includes:

(i) A bakery plant;

(ii) A cannery;

(iii) A confectionery plant;

(iv) A crab meat picking plant;

(v) A food manufacturing plant;

(vi) A food warehouse or distribution center;

(vii) A frozen food processing plant;

(viii) An ice manufacturing plant;

(ix) A shellfish plant;

(x) A soft drink manufacturing plant; or

(xi) A bottled water plant.

(3) “Food processing plant” does not include:

(i) A warehouse or distribution center that:

1. Does not process food; and

2. Stores only sealed containers of whole bean, ground or instant coffee, leaf or instant teas, nondairy dehydrated whiteners, sugar, or sugar-free sweeteners; or

(ii) A cottage food business.

- (h) *Food service facility*. — (1) “Food service facility” means:
- (i) A place where food or drink is prepared for sale or service on the premises or elsewhere; or
 - (ii) Any operation where food is served to or provided for the public, with or without charge.
- (2) “Food service facility” includes a micro market licensed under Title 17, Subtitle 17 of the Business Regulation Article.
- (3) “Food service facility” does not include:
- (i) A kitchen in a private home where food is prepared at no charge for guests in the home, for guests at a social gathering, or for service to unemployed, homeless, or other disadvantaged populations;
 - (ii) A food preparation or serving area where food is prepared or served only by an excluded organization;
 - (iii) A location in a farmer’s market or at a public festival or event where raw agricultural products, as defined in § 21-304(d)(1)(iii) of this subtitle, are sold; or
 - (iv) A cottage food business.
- (i) *License*. — “License” means a license issued by the Department under this subtitle to operate a food establishment.
- (j) *Picking plant*. — “Picking plant” means a place where:
- (1) Crabs are steamed or cooked;
 - (2) Crab meat is picked from crabs; and
 - (3) Crab meat is packed for sale.
- (j-1) *Public festival or event*. — “Public festival or event” means a planned gathering that is open to the public and is regulated by the State or local jurisdiction in which it takes place.
- (j-2) *Semipermanent food service facility*. — (1) “Semipermanent food service facility” means a food service facility that:
- (i) Is built at a location other than where it operates;
 - (ii) Is transported as a complete unit that does not require a building permit to install on the location at which it operates;
 - (iii) Has no indoor seating for patrons; and
 - (iv) When serving cooked food, serves only foods cooked for immediate service.
- (2) “Semipermanent food service facility” does not include a food service facility that is a mechanically, electrically, manually, or otherwise propelled vehicle operating on land or water that moves as part of its routine operation to:
- (i) Change location for sales;
 - (ii) Obtain food and other supplies;
 - (iii) Fill potable water supply holding tanks;
 - (iv) Empty wastewater holding tanks; or
 - (v) Provide for the cleaning and sanitation of equipment and utensils.
- (k) *Soft drink*. — (1) Except as provided under paragraph (2) of this subsection, “soft drink” means any nonalcoholic beverage.
- (2) “Soft drink” does not include:
- (i) Apple cider;

(ii) Soft drinks that are manufactured on the premises of a soda fountain and used at that soda fountain; or

(iii) Bottled water.

(l) *Surimi*. — “Surimi” means an intermediate manufactured seafood product derived from minced fish meat, washed to remove water-soluble protein and blood or other undesirable components and mixed with additives to enhance its frozen storage and functional characteristics. (1987, ch. 297; 1989, ch. 353; 1990, ch. 6, § 2; 1992, ch. 385; 1993, ch. 316; 1995, ch. 451; 1997, ch. 418; 2004, ch. 376; 2005, ch. 154; 2008, ch. 53; 2010, chs. 72, 246; 2011, ch. 65, § 5; ch. 437; 2012, chs. 255, 256, 648; 2014, ch. 118; 2015, ch. 432; 2018, chs. 338, 339, 491; 2019, chs. 230, 370, 371.)

Effect of amendments. — Chapters 338, and 339, Acts 2018, effective October 1, 2018, made identical changes. Each added (h)(2) and redesignated accordingly.

Chapter 491, Acts 2018, effective October 1, 2018, reenacted (a) and (b-1) without change; and rewrote (b-2).

Chapter 230, Acts 2019, effective October 1, 2019, reenacted (a) without change; in (e)(1) substituted “30 consecutive” for “14 consecutive”; and rewrote (h)(3)(ii).

Chapters 370 and 371, Acts 2019, effective October 1, 2019, made identical changes. Each

reenacted (a) and (b-1) without change; and rewrote (b-2).

Licensed food service facility. — Clients were not entitled to a return of their deposit on the ground that the caterer did not have a caterer’s license, because the location where the catering was to occur was a licensed food service facility under this section. *Marwani v. Catering by Uptown*, 416 Md. 312, 6 A.3d 928 (2010).

TITLE 22.

POISONS, DANGEROUS HOUSEHOLD SUBSTANCES, FLAMMABLE PRODUCTS, AND HAZARDOUS MATERIALS.

Subtitle 4. Maryland Flammable Products Act.

§ 22-401. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Guaranty.* — “Guaranty” means a guaranty that the product, fabric, or related material covered by the guaranty has been tested for flammability under the rules and regulations adopted by the Department under this subtitle.

(c) *Product.* — “Product” means any mattress, mattress pad, sleepwear, or other clothing. (An. Code 1957, art. 43, §§ 892, 893; 1982, ch. 240, § 2; 1988, ch. 277, § 1.)

§ 22-402. Rules and regulations.

The Department shall adopt the federal rules and regulations that:

- (1) Are adopted under the federal Flammable Fabrics Act of 1967; and
- (2) Relate to products, fabrics, or related materials. (An. Code 1957, art. 43, § 892; 1982, ch. 240, § 2; 1988, ch. 277, § 1.)

Editor's note. — For codification of the federal Flammable Fabrics Act, referenced in (1), see 15 U.S.C.S. § 1191 et seq.

§ 22-403. Right of entry for inspection; samples.

(a) *Entry for purpose of inspection.* — At any reasonable time, a representative of the Department may enter any factory, warehouse, or establishment in which a product is manufactured, processed, packaged, or stored and inspect any pertinent equipment, labeling, or finished or unfinished products.

(b) *Conditions for entry.* — On entering any factory, warehouse, or establishment to make an inspection under this section, the representative of the Department shall present appropriate credentials to the owner, operator, or agent in charge.

(c) *Samples.* — (1) During any inspection under this section, the representative of the Department may obtain a sample of any product, package, or labeling.

(2) When obtaining a sample under this section, the representative of the Department shall:

(i) Pay or offer to pay for the sample; and

(ii) Give the owner, operator, or agent in charge a receipt that describes the sample obtained. (An. Code 1957, art. 43, § 894; 1982, ch. 240, § 2; 1988, ch. 277, § 1.)

§ 22-404. Carcinogenic chemicals.

(a) *Investigation of fire retardants.* — The Department shall determine whether any chemical used as a fire retardant in a product is a known carcinogen.

(b) *Public notice.* — If the Department determines that a chemical is a known carcinogen, the Department shall:

(1) Inform the public of this determination; and

(2) Give the public any directions that could reduce the danger from the chemical. (An. Code 1957, art. 43, § 895; 1982, ch. 240, § 2; 1988, ch. 6, § 1.)

§ 22-405. Injunction.

If a product is manufactured, processed, packaged, held, or sold in violation of this subtitle or any rule or regulation adopted under this subtitle, on petition of the Secretary, the circuit court for the county in which the product is located may grant an injunction forbidding all or any one of the following:

(1) Manufacturing the product;

(2) Processing the product;

(3) Packaging the product;

(4) Selling the product;

(5) Transferring the product; or

(6) Moving the product. (An. Code 1957, art. 43, §§ 894, 896; 1982, ch. 240, § 2; 1988, ch. 277, § 1.)

§ 22-406. Prohibited acts; exceptions.

(a) *Scope of guaranty.* — A guaranty under this section may be:

(1) A separate guaranty that specifically designates the product, fabric, or related material; or

(2) A continuing guaranty that:

(i) Is given by a seller to a buyer;

(ii) Applies to any product, fabric, or related material sold to the buyer; and

(iii) Is in the form the Department approves.

(b) *Manufacture or sale of nonconforming products.* — A person may not manufacture, sell, or hold with intent to sell any new or unused product that does not comply with the flammability requirements of this subtitle.

(c) *Providing false guaranty.* — A person may not give a false guaranty.

(d) *Exceptions.* — This section does not apply to a person who:

(1) Receives in good faith a product, fabric, or related material that is covered by a guaranty that is signed by and contains the name and address of the person who manufactured the product, fabric, or related material or from whom it was received;

(2) Has not altered the flammability of the product, fabric, or related material covered by the guaranty; and

(3) Reasonably and in good faith relies on the guaranty. (An. Code 1957, art. 43, §§ 892, 893; 1982, ch. 240, § 2; 1988, ch. 277, § 1.)

§ 22-407. Penalty.

A person who willfully violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or both. (An. Code 1957, art. 43, § 897; 1982, ch. 240, § 2; 1988, ch. 277, § 1.)

HEALTH OCCUPATIONS.

Title 14.

Physicians.

Subtitle 3. Licensing.

Sec.

14-303. [Repealed].

14-305. [Repealed].

Subtitle 5. Miscellaneous Provisions.

14-505. Notice of burn treatments by physicians.

Sec.

14-508. Patient notification of lack or lapse of medical professional liability insurance coverage.

14-509. Dispensing topical medication without dispensing permit.

Subtitle 6. Prohibited Acts; Penalties.

14-606. Penalties.

TITLE 14.

PHYSICIANS.

Subtitle 3. Licensing.

§ 14-303. Exceptions from licensing — Cardiac rescue technicians.

Repealed by Acts 1997, ch. 201, § 3, effective December 31, 1998.

§ 14-305. Exceptions from licensing — Emergency medical technician-paramedic.

Repealed by Acts 1997, ch. 201, § 3, effective December 31, 1998.

Subtitle 5. Miscellaneous Provisions.

§ 14-505. Notice of burn treatments by physicians.

(a) *Required.* — (1) A licensed physician or registered nurse who is primarily responsible for the treatment of an individual for a burn injury described in paragraph (2) of this subsection shall as soon as practicable notify the county fire chief or administrator, or designee, or, if neither office exists, the State Fire Marshal or designee. If treatment occurs at a hospital, the treating physician or designee shall be responsible for giving the notice required by this section.

(2) The provisions of paragraph (1) of this subsection apply to a burn injury:

(i) Causing 2nd or 3rd degree burns to 5 percent or more of the patient's body;

(ii) To the upper respiratory tract or laryngeal edema caused by inhaling super-heated air;

(iii) Which causes death; or

(iv) Which is likely to cause death.

(3) The provisions of paragraph (1) of this subsection do not apply to a sunburn.

(b) *Contents of notice.* — Notice under this section shall include:

- (1) The name and address of the patient, if known;
- (2) A description of the burn injury;
- (3) The reported cause of the burn injury, if given;
- (4) The patient’s prognosis; and
- (5) Any other fact concerning the burn injury which might assist in detecting arson.

(c) *Investigations; reports.* — If an investigation is conducted after notification is given under subsection (a) of this section, the investigating agency shall report its findings on an incident reporting system report and send it to the State Fire Marshal’s office for retention. (1986, ch. 667; 1990, ch. 6, § 11; 2002, ch. 158, § 1.)

§ 14-508. Patient notification of lack or lapse of medical professional liability insurance coverage.

(a) *In general.* — Each licensee practicing medicine in the State shall notify a patient in writing if:

- (1) The licensee does not maintain medical professional liability insurance coverage; or
- (2) The licensee’s medical professional liability insurance coverage has lapsed for any period of time and the licensee’s coverage has not been renewed.

(b) *Requirements.* — The written notification provided to the patient under subsection (a) of this section must be:

- (1) Provided:
 - (i) At the first visit by the patient during any period in which the licensee does not maintain medical professional liability insurance, unless the visit is for the purpose of receiving incidental medical care that will be rendered free of charge; and
 - (ii) As part of each informed consent obtained before any procedure or operation discussed or offered for the patient’s consideration is performed;
- (2) Signed by the patient at the time of the patient’s visit or the informed consent is signed; and
- (3) Retained by the licensee as part of the licensee’s patient records.

(c) *Information to be posted.* — Each licensee practicing medicine in the State who does not maintain medical professional liability insurance coverage shall post this information in a conspicuous location in the licensee’s place of practice. (2017, ch. 770.)

Cross references. — For present provisions, see § 14-505 of this article.

Editor’s note. — Former § 14-508 of this article was redesignated as § 14-505 of this article by § 1, ch. 158, Acts 2002.

Section 2, ch. 770, Acts 2017, provides that “the State Board of Physicians shall develop

appropriate language for the notification required under § 14-508 of the Health Occupations Article as enacted by Section 1 of this Act.”

Section 3, ch. 770, Acts 2017, provides that the act shall take effect October 1, 2017.

§ 14-509. Dispensing topical medication without dispensing permit.

(a) *“ACCME” defined.* — In this section, “ACCME” means the Accrediting Council for Continuing Medical Education.

(b) *In general.* — A physician may dispense a topical medication that is approved by the federal Food and Drug Administration for the treatment of hypotichosis without obtaining a dispensing permit or completing the continuing education required under § 12-102(c)(2)(ii) of this article if the physician:

(1) Otherwise complies with the requirements of § 12-102(c)(2)(ii) of this article; and

(2) Has received a special class of written permit from the Board.

(c) *Special class of written permit.* — The Board may issue a special class of written permit to a physician under subsection (b) of this section if the physician:

(1) Completes 1 hour of continuing medical education per year on the dispensing of topical medications developed by an ACCME-accredited Maryland nonprofit or governmental entity; and

(2) Pays to the Board a \$100 permit fee. (2019, ch. 535, § 2.)

Editor’s note. — Section 3, ch. 535, Acts 2019, provides that the act shall take effect October 1, 2019. Former § 14-509 of this article was repealed by Acts 1997, ch. 281, effective October 1, 1997.

Subtitle 6. Prohibited Acts; Penalties.

§ 14-606. Penalties.

(a) *Imposition of penalties.* — (1) Except as provided in paragraph (4) of this subsection, a person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

(2) A person who violates any provision of § 14-503 of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

(3) A person who is required to give notice under § 14-505 (“Reporting burn treatment”) of this title, and who fails to give the required notice, is liable for a civil penalty of not more than \$100.

(4) Except as provided in paragraph (5) of this subsection, a person who violates § 14-601 or § 14-602 of this subtitle is:

(i) Guilty of a felony and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 5 years or both; and

(ii) Subject to a civil fine of not more than \$50,000 to be levied by a disciplinary panel.

(5) The provisions of paragraph (4) of this subsection do not apply to a former licensee who has failed to renew a license under § 14-316 of this title if:

(i) Less than 60 days have elapsed since the expiration of the license; and

(ii) The former licensee has applied for license reinstatement, including payment of the reinstatement fee.

(b) *Disposition of funds.* — The Board shall pay any penalty collected under this section into the Board of Physicians Fund. (An. Code 1957, art. 43, § 136; 1981, ch. 8, § 2; 1986, ch. 667; 1990, ch. 6, § 11; 1992, ch. 22, § 1; ch. 271, § 1; ch. 353; 2002, ch. 19, § 9; ch. 373, § 3; 2003, ch. 252, § 10; 2007, ch. 359; 2013, chs. 307, 308; 2017, chs. 217, 218.)

Effect of amendments. — Chapters 307 and 308, Acts 2013, effective October 1, 2013, made identical changes. Each reenacted (a)(1) without change; in (a)(4) added “or § 14-602”; added (a)(5)(i) and (a)(5)(ii); and made a related change.

Chapters 217 and 218, Acts 2017, approved April 18, 2017, and effective from date of enactment, made identical changes. Each substituted “a disciplinary panel” for “the Board” in

(a)(4)(ii); in the introductory language of (a)(5) added “former”; and rewrote (a)(5)(ii).

Sanctions not arbitrary and capricious.

— Fines imposed on the doctor’s employees and the order that the doctor permanently cease and desist from performing laser hair removal were not arbitrary and capricious, but were properly based on the public harm factor. *Mesbahi v. Md. State Bd. of Physicians*, 201 Md. App. 315, 29 A.3d 679 (2011).

INSURANCE.

Title 17.

Subtitle 3. Fire Insurance Application Act.

Group Life Insurance.

Subtitle 2. Group Policy Requirements.

Sec.

17-208. Volunteer fire, rescue squad, or ambulance service organizations.

Title 19.

Property and Casualty Insurance.

Subtitle 1. General Provisions.

19-105. Liability coverage — For individuals assisting fire and rescue departments and companies.

Sec.

19-301. “Antiarson application” defined.

19-302. Purpose and scope of subtitle.

19-303. Regulations.

19-304. Antiarson application required.

19-305. Antiarson application form.

19-306. Alternative antiarson applications.

19-307. Antiarson application as part of policy; notice of changes.

19-308. Limitations on insurer.

19-309. Termination of policy or contract issued under antiarson application.

TITLE 17.

GROUP LIFE INSURANCE.

Subtitle 2. Group Policy Requirements.

§ 17-208. Volunteer fire, rescue squad, or ambulance service organizations.

(a) *In general.* — (1) Subject to the requirements of this section, the lives of a group of individuals may be insured under a policy issued to a volunteer fire, rescue squad, or ambulance service organization to cover the registered members of the organization for the benefit of persons other than the organization.

(2) The volunteer fire, rescue squad, or ambulance service organization to which the policy is issued is deemed the policyholder.

(b) *Members eligible for insurance.* — All registered members of a volunteer fire, rescue squad, or ambulance service organization are eligible for insurance under a policy issued in accordance with this section.

(c) *Premiums; required insureds.* — (1) The premiums for the policy shall be paid from funds contributed by the volunteer fire, rescue squad, or ambulance service organization or funds contributed by the insured members or from both.

(2) Except as provided in paragraph (3) of this subsection, a policy on which no part of the premium is to be derived from funds contributed by the insured member specifically for the insurance must insure all eligible persons, except those who reject the coverage in writing.

(3) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer. (An. Code 1957, art. 48A, § 425; 1996, ch. 11; 1999, ch. 659.)

Title VII actions. — In an employment discrimination action, the district court’s decision that benefits received by Fire Company

members were not sufficient as compensation to make them employees under Title VII of the Civil Rights Act of 1963 involved the resolution

of a disputed material fact; therefore, summary judgment was inappropriate. *Haavistola v. Community Fire Co.*, 6 F.3d 211 (4th Cir. 1993).

TITLE 19.

PROPERTY AND CASUALTY INSURANCE.

*Subtitle 1. General Provisions.***§ 19-105. Liability coverage — For individuals assisting fire and rescue departments and companies.**

An insurer that provides a general liability insurance policy to a fire department, fire company, rescue department, or rescue company shall offer to provide coverage for:

(1) a volunteer firefighter or volunteer ambulance rescue squad member who, in response to an emergency, provides assistance to the fire department, fire company, rescue department, or rescue company; and

(2) any other individual who, in response to an emergency, provides assistance at the request and under the direction of the fire department, fire company, rescue department, or rescue company. (An. Code 1957, art. 48A, § 482C; 1996, ch. 11; 2005, ch. 25, § 13.)

*Subtitle 3. Fire Insurance Application Act.***§ 19-301. “Antiarson application” defined.**

In this subtitle, “antiarson application” means an application for property insurance covering the peril of fire that:

(1) requires an applicant to provide the basic information normally supplied to an insurer by an applicant for that type of coverage; and

(2) includes certain additional questions to be answered by the applicant. (An. Code 1957, art. 48A, § 576; 1996, ch. 11.)

§ 19-302. Purpose and scope of subtitle.

(a) *Purpose of subtitle.* — The purpose of this subtitle is to promote the public welfare by reducing fire damage to property and loss of life that is caused by the crime of arson by requiring insurers to secure antiarson applications that contain information to control the incidence of arson fraud from applicants for new policies of property insurance.

(b) *Scope of subtitle.* — This subtitle does not apply to a renewal of an existing property insurance policy or contract. (An. Code 1957, art. 48A, §§ 575, 576; 1996, ch. 11.)

§ 19-303. Regulations.

The Commissioner may adopt regulations to carry out this subtitle. (An. Code 1957, art. 48A, § 580; 1996, ch. 11.)

§ 19-304. Antiarson application required.

(a) *In general.* — If, after a public hearing, the Commissioner finds that there is an abnormally high incidence of arson in properties that are insured through commercial monoline fire policies, have a certain type of occupancy, or are located in a certain geographic area of the State, the Commissioner shall require that an antiarson application be used to obtain property insurance covering the peril of fire for property that is insured through that type of policy, has that type of occupancy, or is located in that geographic area of the State.

(b) *Assignment of policy or contract.* — The Commissioner shall require that an antiarson application be completed when a property insurance policy or contract covering the peril of fire is assigned because of the transfer of a major financial interest in the insured real property, if an antiarson application otherwise would be required under this subtitle.

(c) *Extension to other types of policies.* — If, after a public hearing, the Commissioner finds that properties that are insured through a type of policy other than a commercial monoline fire policy have an abnormally high incidence of arson, the Commissioner may extend the application of this subtitle to properties insured through that other type of policy.

(d) *Limitations.* — (1) The Commissioner may not require the use of any application for property insurance covering the peril of fire other than an antiarson application.

(2) Paragraph (1) of this subsection does not prohibit the Commissioner from requiring the use of alternative antiarson applications in accordance with § 19-306 of this subtitle. (An. Code 1957, art. 48A, §§ 576, 578; 1996, ch. 11.)

§ 19-305. Antiarson application form.

(a) *In general.* — (1) The Commissioner shall adopt a two-tier antiarson application form that requires an applicant to complete a second-tier supplementary application if the initial first-tier application elicits certain predesignated answers.

(2) In adopting the antiarson application form, the Commissioner shall consider generally recognized two-tier application forms.

(b) *Contents.* — An antiarson application shall include:

(1) the name and address of the applicant, any mortgagee, and any other party with an ownership interest in the property to be insured;

(2) the amount of insurance requested and the method of valuation used to establish that amount;

(3) the dates and selling prices of the property to be insured in all real estate transactions involving the property during the 3-year period immediately preceding the date of the antiarson application;

(4) the applicant's history of losses during the 5-year period immediately preceding the date of the antiarson application with regard to any property:

(i) in which the applicant held an interest, including a partnership or mortgage interest, that is substantial; and

(ii) that sustained a fire loss exceeding 25% of the insured value;

(5) all taxes that are unpaid or overdue for 1 or more years; and

(6) the present occupancy of the property to be insured. (An. Code 1957, art. 48A, § 576; 1996, ch. 11.)

§ 19-306. Alternative antiarson applications.

(a) *In general.* — The Commissioner may require the use of an alternative antiarson application if, after a public hearing, the Commissioner finds that:

(1) there is an abnormally high incidence of arson in properties that are insured through a certain type of policy, are in a certain class of property, or are located in a certain geographic area of the State; and

(2) in accordance with this subtitle, the antiarson application described in § 19-305 of this subtitle was implemented with respect to that type of policy, class of property, or geographic area of the State.

(b) *Limitation.* — An alternative antiarson application may be mandated only for the types of policies, types of occupancies, and geographic areas of the State that otherwise would require the use of an antiarson application under this subtitle. (An. Code 1957, art. 48A, § 578; 1996, ch. 11.)

§ 19-307. Antiarson application as part of policy; notice of changes.

(a) *Antiarson application as part of policy; misrepresentations.* — (1) An antiarson application required under this subtitle is a material part of the policy to which the application pertains.

(2) A material misrepresentation in an antiarson application is grounds to rescind the policy.

(b) *Notice of changes.* — (1) Within a reasonable time as specified by the Commissioner, a policyholder shall notify the policyholder's insurer in writing of any change in the information contained in an antiarson application.

(2) A material failure to give the notice required in paragraph (1) of this subsection, or a material misrepresentation in a notification, is grounds to rescind the policy. (An. Code 1957, art. 48A, § 577; 1996, ch. 11.)

§ 19-308. Limitations on insurer.

(a) *In general.* — (1) This subsection does not apply to a contract to insure an owner-occupied dwelling for one to four families.

(2) If an antiarson application is required under this subtitle with regard to a building, an insurer may not enter into a contract to be issued after July 1, 1982, to insure the building against the peril of fire unless the insurer first receives an antiarson application signed and affirmed by the insured.

(b) *Effect of designation.* — The designation of any geographic area of the State by the Commissioner under this subtitle is not a valid reason for an insurer to refuse to issue or renew or to terminate any policy or insurance contract. (An. Code 1957, art. 48A, §§ 576, 577; 1996, ch. 11.)

§ 19-309. Termination of policy or contract issued under antiarson application.

(a) *In general.* — Notwithstanding any other law to the contrary, an insurer, for any reason not prohibited by law, may terminate any policy or insurance contract for which an antiarson application or alternative antiarson application is required under this subtitle at any time within 90 days after the insurer accepts the antiarson application or alternative antiarson application.

(b) *Notice of termination.* — An insurer shall state the specific reasons for terminating a policy or insurance contract in the notice of termination to the insured. (An. Code 1957, art. 48A, § 579; 1996, ch. 11.)

LABOR AND EMPLOYMENT.

Title 3.

Employment Standards and Conditions.

Subtitle 1. Definitions; General Provisions.

Sec.

- 3-101. Definitions.
 - (a) In general.
 - (b) Commissioner.
 - (c) Employ.
- 3-104. Delegation of powers and duties.

Subtitle 2. Employment of Minors.

- 3-201. "Minor" defined.
- 3-203. Scope of subtitle.
- 3-206. Work permits.
- 3-211. Work hours — Minors under 16.

Subtitle 7. Miscellaneous.

- 3-703. Volunteer activities.

Title 5.

Occupational Safety and Health.

Subtitle 1. Definitions; General Provisions.

- 5-102. Legislative policy.

Subtitle 4. Access to Information About Hazardous and Toxic Substances.

- 5-401. Definitions.
 - (a) In general.
 - (b) Employee.
 - (c) Employer.
- 5-402. Scope of subtitle.
- 5-403. Application of federal standard.
- 5-404. Waiver of a right.
- 5-405. Chemical information list.
- 5-406. [Repealed].
- 5-407. Request for information.
- 5-408. Exchange of information by contractor and employer.
- 5-409. Information for fire control.
- 5-410. Nonapplicability of criminal penalty.

Subtitle 6. Miscellaneous Provisions.

Sec.

- 5-601. Asbestos protective clothing.

Title 9.

Workers' Compensation.

Subtitle 2. Covered Employees and Employers.

- 9-202. Covered employee.
- 9-207. Department of Natural Resources — Crew members and firefighters.
- 9-217. Official of political subdivision.
- 9-231. Volunteer — In certain subdivisions.
 - 9-231.1. Volunteer — Unit of State government.
- 9-232. Volunteer — Civil defense.
 - 9-232.1. Volunteer — Civil defense emergency volunteers.
- 9-234. Volunteer fire or rescue company.

Subtitle 4. Insurance Coverage.

- 9-402. Coverage required.

Subtitle 5. Entitlement to and Liability for Compensation.

- 9-503. Occupational disease — Presumption — Firefighters, fire fighting instructors, rescue squad members, advanced life support unit members, and police officers.

Subtitle 6. Benefits.

Part I. General Provisions.

- 9-602. Average weekly wage.

Part IV. Permanent Partial Disability.

- 9-628. Compensation for less than 75 weeks.
- 9-629. Compensation for period equal to or greater than 75 weeks but less than 250 weeks.
- 9-630. Serious disability — Compensation for 250 weeks or more.

Editor's note. — Many of the cases appearing in the notes to this article were decided under the former statutes in effect prior to the 1991 revision. These earlier cases have been

moved to pertinent sections of the revised material where they may be useful in interpreting the current statutes.

TITLE 3.

EMPLOYMENT STANDARDS AND CONDITIONS.

*Subtitle 1. Definitions; General Provisions.***§ 3-101. Definitions.**

(a) *In general.* — In this title the following words have the meanings indicated.

(b) *Commissioner.* — “Commissioner” means the Commissioner of Labor and Industry.

(c) *Employ.* — (1) “Employ” means to engage an individual to work.

(2) “Employ” includes:

(i) allowing an individual to work; and

(ii) instructing an individual to be present at a work site. (An. Code 1957, art. 100, §§ 4, 55B, 82, 94; 1991, ch. 8, § 2; 2009, ch. 188.)

Effect of amendments. — Chapter 188, Acts 2009, effective October 1, 2009, reenacted the section without change.

Maryland Law Review. — For comment, “Comparable Worth and the Maryland ERA,” see 47 Md. L. Rev. 1129 (1988).

University of Baltimore Law Review. — For article, “The Developing Law on Equal Employment Opportunity for the Handicapped: An Overview and Analysis of the Major Issues,” see 7 U. Balt. L. Rev. 183 (1978).

For article, “Recognition of a Cause of Action for Abusive Discharge in Maryland,” see 10 U. Balt. L. Rev. 257 (1981).

For comment, “Drug Testing of Private Employees,” see 16 U. Balt. L. Rev. 552 (1987).

Application of doctrine of *lex loci.* — Doctrine of *lex loci contractus* is not implicated, in the absence of an express choice of law selection, when the litigation of unpaid wage claims does not involve the validity or construction of an employment contract and, even if it applied, it is likely that the Maryland Wage Payment and Collection Law, Md. Code Ann., Lab. & Empl. § 3-501 et seq., represents Maryland’s strong public policy regarding employees’ wage claims and comes within a recognized exception to the doctrine. *Cunningham v. Feinberg*, 441 Md. 310, 107 A.3d 1194 (2015).

In a suit under the Maryland Wage Payment and Collection Law (MWPCCL) by a former loan originator seeking payment for loans that originated before his termination, the fact that the employment contract gave the employer discretion to pay commissions upon termination did not eliminate the MWPCCL policy of employee compensation because of Maryland’s strong public policy interest that earned wages must be paid. *Hausfeld v. Love Funding Corp.*, — F. Supp. 2d —, 131 F. Supp. 3d 443, 2015 U.S. Dist. LEXIS 124061 (D. Md. 2015).

“Employee.” — Employer’s designation of its crew leaders as “independent contractors” did not exclude the crew leaders or crew from being considered employees for the purpose of the Fair Labor Standards Act (FLSA) or the Maryland Wage and Hour Law, because courts look not to the label, but to the underlying “economic reality” of the relationship. *Heath v. Perdue Farms, Inc.*, 87 F. Supp. 2d 452 (D. Md. 2000).

In a suit under the Maryland Wage Payment and Collection Law by a former loan originator seeking payment for loans that originated before his termination, the company was an employer under the MWPCCL and it employed the loan originator because the employee proposed and engaged in a marketing campaign that generated prospective Maryland borrowers, whose premises he visited, and he frequently worked from his home in Maryland. *Hausfeld v. Love Funding Corp.*, — F. Supp. 2d —, 131 F. Supp. 3d 443, 2015 U.S. Dist. LEXIS 124061 (D. Md. 2015).

“Employ.” — Even though an employer was a Virginia corporation, it was still subject to the Maryland Wage Payment and Collection Law contained in subtitle 5 of this title, as the plain language of the statute in § 3-501(b) of this title defined “employer” as one who employed an individual in Maryland; the employee who was making a claim for severance pay was a Maryland resident who performed most of his supervisory duties over certain projects in Maryland, which was within the definition of “employ” in this section. *Himes Assocs., Ltd. v. Anderson*, 178 Md. App. 504, 943 A.2d 30 (2008).

Four-factor “economic reality” test of “control” developed by federal courts for the Fair Labor Standards Act, 29 U.S.C.S. § 201 et seq.,

and applied to the Maryland Wage and Hour Law (Wage and Hour Law), Md. Code Ann., Lab. & Empl., § 3-401 et seq., also applies to the Wage Payment and Collection Law (Payment and Collection Law), Md. Code Ann., Lab. & Empl. § 3-501 et seq., because, despite differences from the Wage and Hour Law, the Payment and Collection Law is sufficiently similar for the economic reality test to apply, as (1) Md. Code Ann., Lab. & Empl. § 3-501(b) of the Payment and Collection Law defines an employer to include “any person who employs an individual in the State or a successor of the person,” and (2) the word “employ” is defined broadly by Md. Code Ann., Lab. & Empl. § 3-101(c) as “to engage an individual to work,” and the term includes “(i) allowing an individual to work; and (ii) instructing an individual to be present at a work site,” so, due to this expansive definition and the Payment and Collection Law’s remedial purposes, the economic reality test governs the definition of “employer” in Md. Code Ann., Lab. & Empl. § 3-501(b). *Campusano v. Lusitano Constr. LLC*, 208 Md. App. 29, 56 A.3d 303 (2012).

Claims involving working outside of Maryland. — Wage claims arising from em-

ployment entered into in states other than Maryland are not excluded, for that reason alone, from being litigated under the Maryland Wage Payment and Collection Law, Md. Code Ann., Lab. & Empl. § 3-501 et seq. *Cunningham v. Feinberg*, 441 Md. 310, 107 A.3d 1194 (2015).

Employees working for employers located in Virginia are not limited to the remedies available under Virginia’s wage payment laws, but may, in certain circumstances, be answerable to claims under the Maryland Wage Payment and Collection Law, Md. Code Ann., Lab. & Empl. § 3-501 et seq., in Maryland courts. *Cunningham v. Feinberg*, 441 Md. 310, 107 A.3d 1194 (2015).

Mere fact that an attorney and his former employing law firm entered into a Virginia employment contract did not prohibit, the attorney’s maintenance of his unpaid wage claims under the Maryland Wage Payment and Collection Law, Md. Code Ann., Lab. & Empl. § 3-501 et seq. *Cunningham v. Feinberg*, 441 Md. 310, 107 A.3d 1194 (2015).

Quoted in *Watkins v. C. Earl Brown, Inc.*, 173 F. Supp. 2d 409 (D. Md. 2001).

Cited in *Pinnacle Grp., LLC v. Kelly*, 235 Md. App. 436, 178 A.3d 581 (2018).

§ 3-104. Delegation of powers and duties.

The Commissioner may delegate any power or duty of the Commissioner under § 3-102(c) of this subtitle and Subtitles 2, 4, 5, and 9 of this title. (An. Code 1957, art. 100, §§ 4, 84, 94; 1991, ch. 8, § 2; 2009, ch. 188; 2014, ch. 411.)

Effect of amendments. — Chapter 188, Acts 2009, effective October 1, 2009, substituted “Subtitles 2, 4, 5, and 9” for “Subtitles 2, 4, and 5.”

Chapter 411, Acts 2014, effective June 1, 2014, added “§ 3-102(c) of this subtitle and.”

Editor’s note. — Section 2, ch. 188, Acts 2009, provides that “the Governor shall include in the annual budget for each fiscal year beginning with fiscal year 2011 funds as necessary for the effective administration and enforcement of this Act.”

Subtitle 2. Employment of Minors.

§ 3-201. “Minor” defined.

In this subtitle, “minor” means an individual who is under the age of 18 years. (An. Code 1957, art. 100, § 4; 1991, ch. 8, § 2.)

Cited in *In re Delric H.*, 150 Md. App. 234, 819 A.2d 1117 (2003).

§ 3-203. Scope of subtitle.

This subtitle does not apply to an activity that a minor performs if the activity:

- (1) is performed outside the school hours set for that minor;
- (2) does not involve manufacturing or mining;

(3) is not a hazardous occupation restricted under § 3-213(c)(1) or (2) of this subtitle for that minor; and

(4) is limited to:

- (i) farm work that is performed on a farm;
- (ii) domestic work that is performed in or about a home;
- (iii) work that is performed in a business that a parent of the minor or a person standing in place of the parent owns or operates;
- (iv) caddying on a golf course;
- (v) instructing on an instructional sailboat;
- (vi) delivery of newspapers to consumers;
- (vii) making an evergreen wreath in or about a home;
- (viii) work performed as a counselor, assistant counselor, or instructor in a youth camp certified under the Maryland Youth Camp Act; or
- (ix) work that is performed as an unpaid volunteer in a charitable or nonprofit organization, if:

1. a parent of the minor or a person standing in the place of the parent consents in writing; and

2. for hazardous work in a volunteer fire department or company or volunteer rescue squad, the minor:

A. is at least 16 years old; and

B. has completed or is taking a course of study about fire fighting or rescue. (An. Code 1957, art. 100, § 4; 1991, ch. 8, § 2; ch. 109; 2017, ch. 631.)

Effect of amendments. — Chapter 631, Acts 2017, effective October 1, 2017, substituted “nonprofit” for “not-for-profit” in the introductory language of (4)(ix).

Cited in Romero v. Perez, 463 Md. 182, 205 A.3d 903 (2019).

§ 3-206. Work permits.

(a) *Application.* — A parent or guardian of a minor may apply for a work permit by completing an online application that includes:

- (1) verification of the minor’s age;
- (2) a description of the work to be performed by the minor;
- (3) approval by the parent or guardian of the minor’s employment; and
- (4) any other information the Commissioner may require.

(b) *Issuance.* — After reviewing an online application for a work permit, the Commissioner may issue the permit if the employment is allowed under this subtitle for the minor for whom the permit is sought.

(c) *Permit restrictions.* — (1) The Commissioner may issue a work permit that authorizes a minor to be employed in an occupation that otherwise would be restricted under § 3-213 of this subtitle, if the minor:

- (i) is exempted, under § 7-301(d)(2)(i) of the Education Article, from attendance in public school because the emotional, mental, or physical condition of the minor makes instruction detrimental to the progress of the minor;
- (ii) is to be employed only in office work;
- (iii) is to be employed in work that is performed outside of all rooms where goods are manufactured or processed; or

(iv) is to be employed in work that a county school system obtains and supervises as part of a work-study, student-learner, or similar program for which the employment is an integral part of the course of study.

(2) The Commissioner shall issue a work permit that authorizes a minor to be employed:

(i) in an occupation that otherwise would be restricted under § 3-213 of this subtitle if the minor is granted an exception by the Commissioner because, after investigation, the Commissioner determines that neither the work nor the work site where the work is to be performed is hazardous to the minor; or

(ii) in an occupation that otherwise would be restricted under § 3-213(c)(1) or (2) of this subtitle, if the minor:

1. has completed a course of study in that occupation at an accredited school and has been graduated from the school; or

2. is granted an exception by the Commissioner because employment in that occupation is part of a work-study, student-learner, or apprentice program under a federal, State, or local governmental agency. (An. Code 1957, art. 100, §§ 4, 8, 10, 11; 1991, ch. 8, § 2; 2014, ch. 100.)

Cross references. — As to school attendance, see § 7-301 of the Education Article.

Effect of amendments. — Chapter 100, Acts 2014, effective October 1, 2014, rewrote (a)

and (b); deleted (c) and redesignated accordingly; and in the introductory language of (c)(1) and (c)(2) substituted “The Commissioner” for “An official.”

§ 3-211. Work hours — Minors under 16.

(a) *Restrictions.* — (1) Except as provided in subsection (b) of this section, a minor under the age of 16 years may not be employed or allowed to be employed:

(i) before 7:00 a.m.;

(ii) from the day after Labor Day through the day before Memorial Day, after 8:00 p.m.;

(iii) from Memorial Day through Labor Day, after 9:00 p.m.; or

(iv) more than:

1. 4 hours on a day when school is in session;

2. 8 hours on a day when school is not in session;

3. 23 hours in a week when school is in session for 5 days; or

4. 40 hours in a week when school is not in session.

(2) The hours of work allowed under paragraph (1)(iv) of this subsection do not include any hours that a minor works in a bona fide work-study or student-learner program while school normally is in session.

(b) *Exception.* — The Commissioner may grant to a minor an exception to the restrictions under this section if the Commissioner:

(1) receives the written consent of a parent of the minor or a person standing in the place of the parent; and

(2) determines that:

(i) there will be no hazard to the health or welfare of the minor; and

(ii) granting the exception will not impede the minor in fulfilling school graduation requirements. (An. Code 1957, art. 100, § 10; 1991, ch. 8, § 2.)

Cross references. — As to school attendance, see § 7-301 of the Education Article.

Stated in *BJ's Wholesale Club, Inc. v. Rosen*, 435 Md. 714, 80 A.3d 345 (2013).

Subtitle 7. Miscellaneous.

§ 3-703. Volunteer activities.

An employer may not discharge an employee for participation in an activity of a civil air patrol, civil defense, volunteer fire department, or volunteer rescue squad if:

- (1) the activity is in response to an emergency that the Governor declares on the request of the governing body of a county or municipal corporation; and
- (2) the employee submits written proof that the participation of the employee was required. (An. Code 1957, art. 100, § 109; 1991, ch. 8, § 2; 2010, ch. 732.)

Effect of amendments. — Chapter 732, Acts 2010, effective October 1, 2010, reenacted the section without change.

TITLE 5.

OCCUPATIONAL SAFETY AND HEALTH.

Subtitle 1. Definitions; General Provisions.

§ 5-102. Legislative policy.

(a) *Findings.* — The General Assembly finds that:

- (1) personal injuries and illnesses that arise out of conditions of employment substantially burden employers and employees in terms of lost production, medical expenses, disability compensation payments, and lost wages; and
- (2) the prevention of these injuries and illnesses is in the best interest and welfare of the people and the State.

(b) *Statement of purpose.* — The purposes of this title are to ensure, to the extent practicable, that each working man and woman in the State has working conditions that are safe and healthful and to preserve human resources by:

- (1) providing that employers and employees have separate but dependent responsibilities and rights with respect to making working conditions safe and healthful;
- (2) providing for the development and adoption of occupational safety and health standards;
- (3) providing for training and other education of personnel so that occupational safety and health standards are administered fairly and efficiently;
- (4) providing an effective compliance and enforcement program under this title;
- (5) encouraging employers and employees to:
 - (i) reduce the number of occupational health and safety hazards at their places of employment; and

(ii) create or improve programs to make working conditions safe and healthful;

(6) encouraging joint efforts of labor and management to reduce diseases and injuries that arise out of employment;

(7) building on advances already made through the initiatives of employers and employees to make working conditions safe and healthful;

(8) developing innovative approaches, methods, and techniques to deal with occupational safety and health problems;

(9) providing for research in the field of occupational safety and health;

(10) conducting research on occupational health problems, including research to:

(i) identify causal connections between diseases and work in environmental conditions; and

(ii) explore ways to discover latent diseases;

(11) providing medical criteria to ensure, to the extent practicable, that work does not diminish the functional capacity, health, or life expectancy of an employee;

(12) providing for reporting procedures on occupational safety and health that are appropriate to help to achieve the purposes of this title and to describe accurately the nature of occupational safety and health problems;

(13) providing for the dissemination of information about health and safety hazards posed by toxic and hazardous substances to which workers are exposed;

(14) requiring employers to educate employees who work with hazardous substances about the hazards of the substances and about safe procedures;

(15) requiring employers to give information to governmental units that are charged with fire protection, to protect the health and safety of firefighters and the public; and

(16) providing information and incentives for employers and employees to make ridesharing arrangements. (An. Code 1957, art. 89, § 28; 1991, ch. 8, § 2; 2008, ch. 36, § 6.)

Editor's note. — Pursuant to § 6, ch. 36, Acts 2008, “firefighters” was substituted for “fire fighters” in (b)(15).

Design of title. — Maryland Occupational Safety and Health Act was not enacted to create an action for damages in favor of an employee, and is preventative and noncompensatory in nature. The Act is designed not to punish but to achieve compliance with safety standards and the abatement of hazards, provides no remedy to the employee, imposes a penalty on the employer who has been cited for an unsafe condition, and may be violated even though no accident or injury occurs. *Brady v. Ralph M. Parsons Co.*, 82 Md. App. 519, 572 A.2d 1115 (1990), *aff'd*, 327 Md. 275, 609 A.2d 297 (1992).

Like the Occupational Safety and Health Act, 15 USCS § 653(b)(4), the Maryland Occupational Safety and Health Act (MOSHA), § 5-102 et seq. of this title, does not create an action for damages in favor of an employee; therefore,

where a widow brought a wrongful death and survivor suit against a project construction manager for her husband's death while working for the general contractor on a construction site, the widow was unable to establish the manager's liability by alleging that it violated MOSHA because she was unable to establish the existence of a tort duty independent of MOSHA. *Jones v. Parsons Transp. Group, Inc.*, — F. Supp. 2d —, 2004 U.S. Dist. LEXIS 10650 (D. Md. 2004).

Proof of violation of safety and health standards not negligence per se. — Although evidence of a violation of a federal Occupational Safety and Health or Maryland Occupational Safety and Health Act standard may be admissible in an appropriate case to assist the trier of fact in determining whether an employee or one having the duty of an employer was negligent, proof of a violation of such a standard does not establish negligence

per se, nor does it preclude consideration of the defenses of contributory negligence or assumption of risk. *Brady v. Ralph M. Parsons Co.*, 327 Md. 275, 609 A.2d 297 (1992).

Quoted in *Fogle v. H & G Restaurant, Inc.*, 337 Md. 441, 654 A.2d 449 (1995); *Commissioner of Labor & Indus. v. Bethlehem Steel Corp.*, 344 Md. 17, 684 A.2d 845 (1996).

Subtitle 4. Access to Information About Hazardous and Toxic Substances.

§ 5-401. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Employee.* — (1) “Employee” means an employee (as defined in § 5-101 of this title) or former employee when the individual may be exposed under normal operating conditions or foreseeable emergencies.

(2) “Employee” includes:

- (i) a line supervisor;
- (ii) a maintenance worker;
- (iii) a member or former member of a volunteer fire, ambulance, or rescue company;
- (iv) operating personnel; and
- (v) a production worker.

(c) *Employer.* — (1) “Employer” means an employer (as defined in § 5-101 of this title) and includes a volunteer fire, ambulance, or rescue company.

(2) “Employer” does not include a farmer who:

- (i) uses a hazardous chemical in farming; and
- (ii) complies with the applicable requirements of the Federal Insecticide, Fungicide, and Rodenticide Act. (An. Code 1957, art. 89, § 32A; 1991, ch. 8, § 2.)

§ 5-402. Scope of subtitle.

Sections 5-404 through 5-409 of this subtitle do not apply to:

(1) a railroad that is subject to the Federal Railroad Safety Act of 1970 and the jurisdiction of the Federal Railroad Administration;

(2) a landfill in the State;

(3) a person who:

(i) is engaged in the business of providing commercial or residential garbage and refuse pickup and disposal service while actually engaging in the pickup and disposal of garbage and refuse; and

(ii) does not pick up, transport, treat, store, or dispose of controlled hazardous substances that are regulated under Title 7, Subtitle 2 of the Environment Article; or

(4) an analytical, educational, or research and development laboratory. (An. Code 1957, art. 89, § 32C; 1991, ch. 8, § 2.)

§ 5-403. Application of federal standard.

(a) *In general.* — Except as otherwise provided in this section, an employer, chemical manufacturer, importer, or distributor shall comply with all applica-

ble provisions of the United States Department of Labor, Occupational Safety and Health Administration, “Hazard Communication Standard”, 29 C.F.R. 1910.1200, as published at 52 Federal Register No. 163, August 24, 1987, pages 31876 through 31886, and, as adopted by the Commissioner, all subsequent amendments.

(b) *Interpretation of terms.* — (1) If a term is used in 29 C.F.R. 1910.1200 and defined in § 5-401 of this subtitle, the term has the meaning stated in § 5-401.

(2) When used in 29 C.F.R. 1910.1200, the terms “Assistant Secretary of Labor for OSHA” and “Director of the National Institute for Occupational Safety and Health” shall be interpreted to mean the Commissioner or a designated representative of the Commissioner.

(c) *Wood and wood products.* — The exclusion for wood and wood products set forth in 29 C.F.R. 1910.1200(b)(6)(iii) does not apply in Maryland.

(d) *Laboratories.* — (1) Except for an analytical, educational, or research and development laboratory, a laboratory shall comply with 29 C.F.R. 1910.1200.

(2) An employer that is an analytical, educational, or research and development laboratory shall comply with 29 C.F.R. 1910.1200(b)(3).

(e) *Burden of proof of trade secret.* — The party who claims a trade secret under 29 C.F.R. 1910.1200(i) has the burden of proving the claim. (An. Code 1957, art. 89, § 32B; 1991, ch. 8, § 2.)

§ 5-404. Waiver of a right.

(a) *Prohibited act.* — An employer may not ask or require an employee to waive any right under this subtitle or 29 C.F.R. 1910.1200.

(b) *Waiver void.* — A waiver of a right under this subtitle or 29 C.F.R. 1910.1200 is void. (An. Code 1957, art. 89, § 32H; 1991, ch. 8, § 2.)

§ 5-405. Chemical information list.

(a) *Scope of section.* — This section does not apply to a consumer product or foodstuff that is:

(1) packaged for distribution to and intended for use by the general public; and

(2) handled unopened or stored unopened in a retail establishment, including its storeroom or warehouse.

(b) *Duty of employer.* — (1) To comply with the requirements of 29 C.F.R. 1910.1200(e)(1)(i) for a list of hazardous chemicals, each employer shall compile and maintain a chemical information list for each hazardous chemical that is formulated, handled, manufactured, packaged, processed, reacted, repackaged, stored, or transferred in the workplace of the employer.

(2) Within 30 days after a hazardous chemical is introduced into the workplace of an employer, the employer shall add the hazardous chemical to the chemical information list. The employer need not place the hazardous chemical alphabetically on the chemical information list until the employer next revises the list as required under paragraph (3) of this subsection.

(3) Every 2 years, an employer shall revise the chemical information list.

(c) *Contents.* — For each hazardous chemical on a chemical information list, the list shall:

(1) contain its chemical and common names; and

(2) identify each work area where the hazardous chemical is found.

(d) *Form.* — Each compilation of a chemical information list and each revision under subsection (b) of this section shall list the hazardous chemicals on the list in alphabetical order according to common name.

(e) *Retention.* — (1) Each employer shall keep, for at least 40 years, each chemical information list that the employer compiles or revises.

(2) (i) If an employer's business ceases to operate or formulate, handle, manufacture, package, process, react, repackage, store, or transfer hazardous chemicals in a workplace regulated under this subtitle, the employer promptly shall submit the most recent chemical information list to the Maryland Department of Labor.

(ii) The Maryland Department of Labor shall keep, for at least 40 years, the chemical information list that the employer provides under subparagraph (i) of this paragraph. (An. Code 1957, art. 89, § 32D; 1991, ch. 8, § 2; 2014, ch. 548, § 2; ch. 549, § 2; 2019, ch. 91, § 7.)

Effect of amendments. — Section 2, chs. 548 and 549, Acts 2014, effective October 1, 2014, made identical changes. Each added the (e)(1) designation and added (e)(2).

Editor's note. — Section 7, ch. 91, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall

correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.” Pursuant to § 7, ch. 91, Acts 2019, “Maryland Department of Labor” was substituted for “Department of Labor, Licensing, and Regulation” in (e)(2)(i) and (e)(2)(ii).

§ 5-406. Submission on documents and role of Department of Environment.

Repealed by Acts 2014, ch. 548, § 2; ch. 549, § 2, effective October 1, 2014.

§ 5-407. Request for information.

(a) *Right of employees to see documents; access.* — (1) An employee or designated representative may ask an employer for:

(i) access to a chemical information list maintained by the employer; and

(ii) a copy of the chemical information list or any material safety data sheet in the workplace of the employee.

(2) An employer shall comply with a request under this subsection:

(i) for access, in the workplace of the employee, within 1 working day after a request; and

(ii) for a copy, within 5 days after a request.

(3) To comply with a request for a copy, an employer shall provide, without charge to the employee or designated representative, the copy or the mechanical means to produce the copy. If, during a calendar year, more than 1 copy is

requested for an employee the employer may assess a reasonable charge for each additional copy.

(4) An employer shall make the material safety data sheet readily accessible in accordance with 29 C.F.R. 1910.1200(g)(8).

(5) If an employer fails to comply with this subsection, an employee who requests the information may refuse to work with the hazardous chemical for which the chemical information list or material safety data sheet was requested.

(b) *Access to documents by other persons.* — On receipt of a written request, an employer or, if the employer's business has ceased operating as described in § 5-405(e)(2) of this subtitle, the Maryland Department of Labor shall provide access to information on a chemical information list to:

(1) an individual who provides fire, ambulance, or rescue service for the appropriate geographic area;

(2) a nurse, physician, or physician's assistant who is providing emergency medical treatment;

(3) the Commissioner;

(4) a former employee;

(5) an independent contractor or employer;

(6) any environmental, civic, or consumer organization in the State; and

(7) any individual who lives:

(i) in a local community where a business stores, produces, or locates hazardous or toxic chemicals; or

(ii) in the nearest local community to a business that stores, produces, or locates hazardous or toxic chemicals. (An. Code 1957, art. 89, § 32H; 1991, ch. 8, § 2; 2014, ch. 548, § 2; ch. 549, § 2; 2019, ch. 91, § 7.)

Effect of amendments. — Section 2, chs. 548 and 549, Acts 2014, effective October 1, 2014, made identical changes. Each rewrote (b).

Editor's note. — Section 7, ch. 91, Acts 2019, effective July 1, 2019, provides that "the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the

General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 7, ch. 91, Acts 2019, "Maryland Department of Labor" was substituted for "Department of Labor, Licensing, and Regulation" in the introductory language of (b).

§ 5-408. Exchange of information by contractor and employer.

(a) *Information for employers.* — An independent contractor to whom this subtitle applies or an employer:

(1) before commencement of work at a workplace, shall provide information compiled under § 5-405 of this subtitle to any other employer whose workplace is the site of work being performed by the independent contractor or employer; and

(2) on request, shall provide material safety data sheets for each hazardous chemical identified on the chemical information list to any other employer whose workplace is the site of the work being performed by the independent contractor or employer, within 1 working day after the request.

(b) *Information for independent contractors.* — Before commencement of work by an independent contractor, any employer who employs the independent contractor shall provide information required under § 5-405 of this subtitle and 29 C.F.R. 1910.1200(g) for the workplace at which the independent contractor will work.

(c) *Chemical information list at construction site.* — A general contractor or its representative shall designate, for each construction site, a common location where each independent contractor or employer shall leave the chemical information list of the contractor or employer before the contractor begins work at the site. (An. Code 1957, art. 89, § 32G; 1991, ch. 8, § 2; 2008, ch. 36, § 6; 2014, ch. 548, § 2; ch. 549, § 2.)

Effect of amendments. — Section 2, chs. 548 and 549, Acts 2014, effective October 1, 2014, made identical changes. Each deleted (d).

Editor's note. — Pursuant to § 6, ch. 36, Acts 2008, "of this subtitle" was substituted for "of this title" in (d).

§ 5-409. Information for fire control.

(a) *"Fire department official" defined.* — In this section, "fire department official":

(1) means an individual who is responsible for the administration of a fire department in a political subdivision or a designee of the individual; and

(2) includes a fire administrator or fire chief.

(b) *Duties of employer.* — On request, an employer shall give a fire department official:

(1) a list of work areas, identified by name and location, and the appropriate chemical information list for each work area; and

(2) a material safety data sheet for each hazardous chemical included on the chemical information list.

(c) *Access to retail establishments.* — On notice, the employer at a retail establishment shall allow a fire department official to have access to the establishment, during normal business hours, to develop prefire strategy.

(d) *Confidentiality.* — (1) Except as provided in paragraph (2) of this subsection, information submitted or made available under this section is privileged and may not be disclosed to any person or in any civil proceeding.

(2) A fire department official who obtains information under subsection (b) of this section shall make the information available, on request, to an ambulance squad, fire inspection, fire suppression, or rescue squad unit within the same jurisdiction. (An. Code 1957, art. 89, § 32F; 1991, ch. 8, § 2.)

§ 5-410. Nonapplicability of criminal penalty.

The criminal penalty under § 5-804 of this title does not apply to a violation that arises under §§ 5-404 through 5-409 of this subtitle. (An. Code 1957, art. 89, § 32C; 1991, ch. 8, § 2.)

Subtitle 6. Miscellaneous Provisions.

§ 5-601. Asbestos protective clothing.

(a) *Legislative policy.* — The General Assembly finds that:

(1) exposure to asbestos, a known carcinogenic agent, creates a significant hazard to the health of the people of the State;

(2) asbestos protective clothing that is used improperly or that is not maintained properly exposes a worker to this hazard;

(3) protective materials have been developed as substitutes for asbestos; and

(4) it is in the public interest to protect workers from this hazard by eliminating the use of asbestos protective clothing.

(b) *Prohibitions.* — (1) A person may not sell in the State any item of new or used asbestos protective clothing.

(2) An employer may not:

(i) buy, for use by an employee, any item of new or used asbestos protective clothing;

(ii) ask or require an employee to use any item of new or used asbestos protective clothing; or

(iii) keep or otherwise possess any item of new or used asbestos protective clothing at a place of employment. (An. Code 1957, art. 89, § 49D; 1991, ch. 8, § 2.)

TITLE 9.

WORKERS' COMPENSATION.

Subtitle 2. Covered Employees and Employers.

§ 9-202. Covered employee.

(a) *Presumption.* — An individual, including a minor, is presumed to be a covered employee while in the service of an employer under an express or implied contract of apprenticeship or hire.

(b) *Unlawful employment — Minors.* — A minor may be a covered employee under this section even if the minor is employed unlawfully.

(c) *Overcoming presumption.* — To overcome the presumption of covered employment, an employer shall establish that the individual performing services is an independent contractor in accordance with the common law or is specifically exempted from covered employment under this subtitle. (An. Code 1957, art. 101, § 21; 1991, ch. 8, § 2; 2009, ch. 188.)

Cross references. — For a discussion of the elements of an employment relationship under Maryland law, see Mazaroff, *Maryland Employment Law*, § 2.1 (The Common-Law Elements of a Master-Servant Relationship); § 2.2 (Independent Contractors as Distinguished from Employees); § 2.3 (Joint Employer of Doctrine); § 2.6 (The Alter-Ego Employer); and § 2.8 (Statutory Employers Under Maryland's Worker's Compensation Act) (1990 and 1996 Cum. Supp.).

Effect of amendments. — Chapter 188, Acts 2009, effective October 1, 2009, in (a), deleted the exception at the beginning and

added “presumed to be”; added (c); and made a stylistic change.

University of Baltimore Law Review. — For a comment, “Trending: Proportionality in Electronic Discovery in Common Law Countries and the United States’ Federal and State Courts,” see 43 U. Balt. L. Rev. 307 (2014).

University of Baltimore Law Forum. — For a note, “*Board of County Comm’rs v. Vache: Employer’s Liability for Injuries Sustained Coming from or Going to Work does not Extend to Hazards Posed to the General Public*,” see 29 U. Balt. Law Forum 39 (1999).

For 2006 development, *Design Kitchen and Baths v. Lagos*: An Undocumented Alien Injured in the Course of His Employment Is Entitled to Receive Workers' Compensation Benefits under the Maryland Workers' Compensation Act," see Compensation Act 36 U. Balt. L.F. 173 (2006).

Relationship. — The words "employer" and "employee" in the Compensation Act are the equivalent of, and synonymous with, the words "master" and "servant." *Edith A. Anderson Nursing Homes, Inc. v. Walker*, 232 Md. 442, 194 A.2d 85 (1963); *Thompson v. Paul C. Thompson & Sons*, 258 Md. 391, 265 A.2d 915 (1970).

Whether the relationship of the parties is that of master and servant or employer and independent contractor, depends upon the facts of each particular case. *Marine v. Service Trucking Co.*, 225 Md. 315, 170 A.2d 188 (1961); *Gale v. Greater Wash. Softball Umpires Ass'n*, 19 Md. App. 481, 311 A.2d 817 (1973).

Common-law rules apply. — The rules for determining the existence of the relation of employer and employee under the Workers' Compensation Act are the same as the rules at common law for determining the relation of master and servant. *L. & S. Constr. Co. v. State Accident Fund*, 221 Md. 51, 155 A.2d 653 (1959), overruled on other grounds, *Whitehead v. Safway Steel Prods., Inc.*, 304 Md. 67, 497 A.2d 803 (1985); *Marine v. Service Trucking Co.*, 225 Md. 315, 170 A.2d 188 (1961); *Edith A. Anderson Nursing Homes, Inc. v. Walker*, 232 Md. 442, 194 A.2d 85 (1963); *Thompson v. Paul C. Thompson & Sons*, 258 Md. 391, 265 A.2d 915 (1970); *Brady v. Ralph Parsons Co.*, 308 Md. 486, 520 A.2d 717 (1987), *aff'd*, 327 A.2d 275, 609 A.2d 297 (1992).

Criteria for determining existence of relationship. — Criteria for determining whether an employer/employee or master/servant relationship exists include: (1) the power to select and hire the employee, (2) the payment of wages, (3) the power to discharge, (4) the power to control the employee's conduct, and (5) whether the work is part of the regular business of the employer. *Leonard v. Fantasy Imports, Inc.*, 66 Md. App. 404, 504 A.2d 660 (1986); *Brady v. Ralph Parsons Co.*, 308 Md. 486, 520 A.2d 717 (1987), *aff'd*, 327 A.2d 275, 609 A.2d 297 (1992).

Criteria for determining whether a master and servant relation exists are: (1) the selection and engagement of the servant, (2) the payment of wages, (3) the power of dismissal, (4) the power of control of the servant's conduct, and (5) whether the work is a part of the regular business of the employer. *L. & S. Constr. Co. v. State Accident Fund*, 221 Md. 51, 155 A.2d 653 (1959), overruled on other grounds, *Whitehead v. Safway Steel Prods., Inc.*, 304 Md. 67, 497 A.2d 803 (1985); *Unin-*

jured Employers' Fund v. Merritt, 13 Md. App. 73, 281 A.2d 411 (1971).

Elements to be considered in determining whether claimant is employee or independent contractor are: (1) the selection and engagement of the servant, (2) the payment of wages, (3) the power of dismissal, (4) the power of control of the servant's conduct, (5) whether or not the work is a part of the regular business of the employer, and (6) whether or not the parties believe they are creating the relationship of master (employer) and servant (employee). *Charles Freeland & Sons v. Couplin*, 211 Md. 160, 126 A.2d 606 (1956).

For the purpose of determining whether a person is an independent contractor or an employee, a court must take the following factors into consideration: (1) the selection and engagement of the servant, (2) the payment of wages, (3) the power to discharge, (4) the power to control the servant's conduct, and (5) whether the work is part of the regular business of the employer. *Johnson v. Helicopter & Airplane Servs. Corp.*, 389 F. Supp. 509 (D. Md. 1974).

Question of law and fact. — Where the question of employment is disputed and different inferences may be drawn, it is a question of law and fact for the jury. *Sun Cab Co. v. Powell*, 196 Md. 572, 77 A.2d 783 (1951).

Whether or not the circumstances of a given case are legally sufficient to overcome the presumption against the master or owner is ordinarily a question for the jury; but where the rebutting testimony is uncontradicted, it becomes one for the court to determine as a matter of law. *L. & S. Constr. Co. v. State Accident Fund*, 221 Md. 51, 155 A.2d 653 (1959), overruled on other grounds, *Whitehead v. Safway Steel Prods., Inc.*, 304 Md. 67, 497 A.2d 803 (1985).

Where the evidence is conflicting upon the relationship of the parties, or more than one inference can be drawn from the evidence, the question is one for the trier of facts to determine. *Marine v. Service Trucking Co.*, 225 Md. 315, 170 A.2d 188 (1961).

Where the terms and manner of employment are disputed and different inferences may be drawn therefrom, the issue as to the relation that existed between the parties is a mixed question of law and fact, to be determined by the trier of the facts, under proper instructions; but where the essential terms and manner of employment are undisputed, the question is one of law for the court. *Clayburn v. Soueid, Inc.*, 239 Md. 331, 211 A.2d 728 (1965); *Lupton v. McDonald*, 241 Md. 446, 217 A.2d 262 (1966); *Western Elec. Co. v. Engleman*, 13 Md. App. 374, 283 A.2d 437 (1971); *Yelton v. Higgins*, 13 Md. App. 599, 284 A.2d 857 (1971); *Gale v. Greater Wash. Softball Umpires Ass'n*, 19 Md. App. 481, 311 A.2d 817 (1973); *Leonard v.*

Fantasy Imports, Inc., 66 Md. App. 404, 504 A.2d 660 (1986).

When the facts are in dispute, whether an employer-employee relationship existed is a jury question. *Thompson v. Paul C. Thompson & Sons*, 258 Md. 391, 265 A.2d 915 (1970).

Where the terms and manner of employment are disputed, and different inferences may be drawn therefrom, the issue as to the relation that existed between the parties is a mixed question of law and fact to be determined by the trier of the facts under proper instructions. *Thompson v. Paul C. Thompson & Sons*, 258 Md. 391, 265 A.2d 915 (1970); *Winters v. Payne*, 13 Md. App. 327, 283 A.2d 807 (1971).

Where the essential terms and manner of employment are undisputed, the question is one of law for the court. *Winters v. Payne*, 13 Md. App. 327, 283 A.2d 807 (1971).

In an action against an employer for wrongful death caused by alleged negligence of a servant, the question whether the servant was acting within the scope of his employment is ordinarily one for the jury, but this situation is so only if there is a factual dispute. Where there was undisputed evidence amply supporting the conclusion that activities of the employee at the time of the accident were in furtherance of the employer's business, the court correctly instructed the jury as a matter of law that the employer was liable for the employee's negligence, and neither the fact that the employee was working as a volunteer nor the fact that the tractor used by him at the time belonged to him insulated the employer from liability if the employee was acting within the scope of his employment. *Wood v. Abell*, 268 Md. 214, 300 A.2d 665 (1973).

Right to control decisive. — Decisive test in determining whether relation of master and servant exists is whether employer has the right to control and direct servant in the performance of his work and in the manner in which the work is to be done. *L. & S. Constr. Co. v. State Accident Fund*, 221 Md. 51, 155 A.2d 653 (1959), overruled on other grounds, *Whitehead v. Safway Steel Prods., Inc.*, 304 Md. 67, 497 A.2d 803 (1985); *Marine v. Service Trucking Co.*, 225 Md. 315, 170 A.2d 188 (1961); *Edith A. Anderson Nursing Homes, Inc. v. Walker*, 232 Md. 442, 194 A.2d 85 (1963); *Uninsured Employers' Fund v. Merritt*, 13 Md. App. 73, 281 A.2d 411 (1971); *Gale v. Greater Wash. Softball Umpires Ass'n*, 19 Md. App. 481, 311 A.2d 817 (1973).

None of the criteria for determining whether the relation of master and servant exists, standing alone, seems controlling, except the power of control of the servant's conduct. *L. & S. Constr. Co. v. State Accident Fund*, 221 Md. 51, 155 A.2d 653 (1959), overruled on other grounds, *Whitehead v. Safway Steel Prods., Inc.*, 304 Md. 67, 497 A.2d 803 (1985).

It is not the manner in which the alleged master actually exercised his authority to control and direct the action of the servant which controls, but it is his right to do so that is important. *L. & S. Constr. Co. v. State Accident Fund*, 221 Md. 51, 155 A.2d 653 (1959), overruled on other grounds, *Whitehead v. Safway Steel Prods., Inc.*, 304 Md. 67, 497 A.2d 803 (1985); *Marine v. Service Trucking Co.*, 225 Md. 315, 170 A.2d 188 (1961).

Of the several criteria to be applied in determining the existence of an employer-employee relationship, the right to control and direct the worker in the performance and manner of doing the work is the most decisive test, although others, such as the selection and engagement of the worker, the payment of wages, the power of dismissal, whether the work is a part of the regular business of the employer, and whether the parties believe they were creating the relationship of master and servant, have been referred to in the cases. *Thompson v. Paul C. Thompson & Sons*, 258 Md. 391, 265 A.2d 915 (1970).

Fact that superintendent or foreman had authority to give orders to a truckman in the course of his work and to discharge him at any time was a circumstance indicating that the truckman was an employee within the operation of the Workmen's Compensation Act (now Workers' Compensation Act). *Williams Constr. Co. v. Bohlen*, 189 Md. 576, 56 A.2d 694 (1948).

Licensed home improvement contractor was an employee of a business that installed windows and doors because the business exercised control over the contractor in that it provided detailed training and instructions on how to complete the installations, engaged in spot checks, required clothing with its logo and the use of its sign at job sites, and expected the contractor to adhere to its policies and instructions. *Elms v. Renewal by Andersen*, 439 Md. 381, 96 A.3d 175 (2014).

Independent contractor. — An independent contractor is not "employee" under this section. *Bowers v. Eastern Aluminum Corp.*, 240 Md. 625, 214 A.2d 924 (1965); *Gale v. Greater Wash. Softball Umpires Ass'n*, 19 Md. App. 481, 311 A.2d 817 (1973).

An "independent contractor" may be defined as one who contracts to perform a certain work for another according to his own means and methods, free from control of his employer in all details connected with the performance of the work except as to its product or result. *Williams Constr. Co. v. Bohlen*, 189 Md. 576, 56 A.2d 694 (1948); *Snider v. Gaultney*, 218 Md. 332, 146 A.2d 869 (1958); *Marine v. Service Trucking Co.*, 225 Md. 315, 170 A.2d 188 (1961); *Uninsured Employers' Fund v. Merritt*, 13 Md. App. 73, 281 A.2d 411 (1971).

The fact that employment is on a piece-work basis, and not for a completed job, is not only

not conclusive that claimant is an independent contractor, but is indicative of employment. *Snider v. Gaultney*, 218 Md. 332, 146 A.2d 869 (1958).

The mere fact that the claimant was not carried on the payroll, and that no deductions were made from the payments to him, is not controlling on the question whether he is an employee or an independent contractor. *Snider v. Gaultney*, 218 Md. 332, 146 A.2d 869 (1958).

A person is an employee and is not an independent contractor if he is being paid for his labor in driving a truck, is subject to control by one or more persons in the manner and timing of his work, and is using equipment belonging to another. *Kelly v. Eclipse Motor Line*, 305 F. Supp. 191 (D. Md. 1969), *aff'd*, 432 F.2d 1009 (4th Cir. 1970).

A truck owner who agrees to haul material for another, but who retains the right of control over the means and methods of doing the work and is responsible to the other only for the ultimate result, is not "in the service of an employer," but is an independent contractor. *Williams Constr. Co. v. Bohlen*, 189 Md. 576, 56 A.2d 694 (1948).

Where a truck owner agrees to haul material at such times as it becomes available, the fact that the contract does not call for completion of a certain task according to a definite plan or fixed time of measure is a circumstance indicating that he is an employee rather than an independent contractor. *Williams Constr. Co. v. Bohlen*, 189 Md. 576, 56 A.2d 694 (1948).

Person engaged by supervisors of elections to set up and take down booths at polling places was an independent contractor and not covered by the act. *Board of Supvrs. of Elections v. Balsler*, 172 Md. 187, 190 A. 822 (1937).

The trial court was correct in determining, as a matter of law, that the umpire claimant was an independent contractor in his relationship with the umpire's association with respect to the duties performed as an umpire. *Gale v. Greater Wash. Softball Umpires Ass'n*, 19 Md. App. 481, 311 A.2d 817 (1973).

Employed wholly outside State. — Employee, whose direct employer was a subcontractor, was not a "covered employee" of the principal contractor, where the employee's work was wholly outside of Maryland. *W.M. Schlosser Co. v. Uninsured Employers' Fund*, 414 Md. 195, 994 A.2d 956 (2010).

Interstate tractor-trailer driver was covered employee. — Where an employee kept and maintained his employer's tractor-trailer in Maryland, but made the majority, but not all, of his deliveries for the employer in other states, the employee's employment in Maryland, rather than being casual, was regular; thus, the employee was a covered employee, and jurisdiction for his workers' compensation claim lay in Maryland. *McElroy Truck Lines,*

Inc. v. Pohopek, 375 Md. 574, 826 A.2d 474 (2003).

Undocumented alien. — Despite the enforcement provisions set forth in the Immigration Reform and Control Act, 8 U.S.C.S. § 1324 et seq., in the absence of any language expressing an intent to preempt State remedial statutes, both the plain language and the legislative history underlying this section indicated a clear intent that an undocumented alien, who had not even actively prevaricated on an employment application but simply had not provided a Social Security number and who was badly injured on the job, should be able to receive benefits under Maryland's remedial workers' compensation scheme. *Design Kitchen & Baths v. Lagos*, 388 Md. 718, 882 A.2d 817 (2005).

When a Virginia contractor subcontracted work on a project in Maryland to an individual whose nephew, an undocumented alien, was included in the crew performing the work, and the nephew was injured in the course of the work, the contractor was the nephew's statutory employer, under § 9-508(a) of this title, because it was undisputed that the provisions of that statute applied to the relationship between the contractor and the injured worker, and, as a result, the worker was a covered employee, under this section. *Smigelski v. Potomac Ins. Co.*, 403 Md. 55, 939 A.2d 189 (2008).

Contract of employment. — To entitle a claimant to payment of compensation under this title, the contract of employment between the alleged employer and the injured workman should have existed at the time of the injury. *Sun Cab Co. v. Powell*, 196 Md. 572, 77 A.2d 783 (1951).

Employee status must have existed at time of injury to support coverage under this section. *Lockerman v. Prince George's County*, 281 Md. 195, 377 A.2d 1177 (1977).

Engagement in employment for which hired not required. — The deceased need not be engaged in the employment for which he was hired at the very moment of death. *Austin v. Thrifty Diversified, Inc.*, 76 Md. App. 150, 543 A.2d 889 (1988).

Whenever, by virtue of a contract, express or implied, an employer-employee relationship exists between two parties, and the employer, or his agent as the employee's superior, directs the employee to perform services outside of or beyond his customary or usual duties and/or of a nature not ordinarily required in the employer's business for the private benefit of the employer or his agent, rather than for the benefit of the business, the order constitutes a permissible exercise of the employer's authority to enlarge or extend the scope of employment and expands the existing employment contract. It does not create a new employment contract. Because the existing employer-em-

ployee relationship is not terminated but continues to exist while the employee is performing such work, any injury resulting from the performance of such work is compensable. *Keene v. Insley*, 26 Md. App. 1, 337 A.2d 168 (1975).

Compensation. — Fact that worker is paid by hour and is not required to complete definite task is an indication that he is an employee. *Williams Constr. Co. v. Bohlen*, 189 Md. 576, 56 A.2d 694 (1948); *Uninsured Employers' Fund v. Merritt*, 13 Md. App. 73, 281 A.2d 411 (1971).

Going to and from work. — Generally, an employee is not covered by the workers' compensation statute if his injuries are received on public streets while going to and from work because such an injury evolves from a peril which is common to all mankind, or to which the public at large is exposed. *Mayor of Baltimore v. Jakelski*, 45 Md. App. 7, 410 A.2d 1116, cert. denied, 287 Md. 753 (1980).

Out-of-town seminars. — Employee injury was compensable where, while attending a seminar in Canada on behalf of her employer, the employee was injured when she slipped in her hotel bathtub. *Mulready v. University Research Corp.*, 360 Md. 51, 756 A.2d 575 (2000).

Temporary employees. — Person employed by temporary services agency is also employee of company to which worker is provisionally assigned. *Whitehead v. Safway Steel Prods., Inc.*, 304 Md. 67, 497 A.2d 803 (1985); *Travelers Indem. Co. v. Insurance Co. of N. Am.*, 69 Md. App. 664, 519 A.2d 760 (1987).

Worker obtained by employment broker. — Fact that worker is obtained by employment broker, who pays his wages in advance for a discount, does not relieve the employer from liability for workers' compensation. *Williams Constr. Co. v. Bohlen*, 189 Md. 576, 56 A.2d 694 (1948).

Unpaid student workers. — The Workers' Compensation Act does not apply to students who are placed in unpaid work positions as part of their educational program because such students are not employees under this section, nor may such students gain coverage through voluntary election with an employer under § 9-204. 74 Op. Att'y Gen. 320 (1989).

Applied in *Watson v. Twin City Fire Ins. Co.*, 143 Md. App. 637, 795 A.2d 771 (2002).

Quoted in *Dixon v. Able Equip. Co.*, 107 Md. App. 541, 668 A.2d 1009 (1995).

Stated in *Zurich Am. Ins. Co. v. Uninsured Employers' Fund*, 197 Md. App. 290, 13 A.3d 98 (2011).

Cited in *Buckler v. Willett Constr. Co.*, 345 Md. 350, 692 A.2d 449 (1997); *Thomas v. Giant Food, LLC*, 174 Md. App. 103, 920 A.2d 1112 (2007); *Elste v. ISG Sparrows Point, LLC*, 188 Md. App. 634, 982 A.2d 938 (2009), cert. denied, 412 Md. 495, 988 A.2d 1009, 2010 Md. LEXIS 61 (2010); *Zurich Am. Ins. Co. v. Uninsured Employers' Fund*, 196 Md. App. 181, — A.2d —, 9 A.3d 80, 2010 Md. App. LEXIS 168 (2010); *Pro-Football, Inc. v. McCants*, 428 Md. 270, 51 A.3d 586 (2012); *Shapiro & Duncan, Inc. v. Payne*, 215 Md. App. 674, 84 A.3d 149 (2014).

§ 9-207. Department of Natural Resources — Crew members and firefighters.

(a) *Covered employee.* — A registered crew member, a paid law enforcement employee, or an individual engaged for fire fighting by the Department of Natural Resources is a covered employee.

(b) *Site of employment.* — Notwithstanding § 9-203 of this subtitle, an individual engaged for fire fighting who otherwise would be a covered employee under subsection (a) of this section is a covered employee even if the fire fighting takes place outside of the State.

(c) *Temporary or part-time employment.* — Notwithstanding § 9-205 of this subtitle, an individual who otherwise would be a covered employee under subsection (a) of this section is a covered employee even if engaged temporarily or part time.

(d) *Employer.* — For the purpose of this title, the Department of Natural Resources is the employer of an individual who is a covered employee under this section. (An. Code 1957, art. 101, § 35A; 1991, ch. 8, § 2; 1999, ch. 179.)

§ 9-217. Official of political subdivision.

(a) *In general.* — Except as provided in subsection (b) of this section, each appointed or elected official of a political subdivision is a covered employee while performing an official duty.

(b) *Member of board or commission.* — A nonsalaried member of a board or commission in Allegany, Carroll, Cecil, Charles, Frederick, Garrett, Queen Anne's, St. Mary's, Somerset, Washington, or Worcester County is not a covered employee. (An. Code 1957, art. 101, § 21; 1991, ch. 8, § 2.)

§ 9-231. Volunteer — In certain subdivisions.

Except as otherwise expressly provided by law, a volunteer worker for a unit of a political subdivision in Allegany, Carroll, Cecil, Charles, Frederick, Garrett, Queen Anne's, St. Mary's, Somerset, Washington, or Worcester County is not a covered employee. (An. Code 1957, art. 101, § 21; 1991, ch. 8, § 2.)

§ 9-231.1. Volunteer — Unit of State government.

(a) *Covered employee.* — A volunteer worker for a unit of State government is a covered employee.

(b) *Employer.* — For the purposes of this title, the State is the employer of an individual who is a covered employee under this section.

(c) *Benefits.* — Notwithstanding any other provision of this title, benefits provided under this section shall consist only of medical services and treatment under Subtitle 6, Part IX of this title for a compensable injury. (2008, ch. 541.)

Editor's note. — Section 2, ch. 541, Acts 2008, provides that the act shall take effect July 1, 2008.

§ 9-232. Volunteer — Civil defense.

(a) *Covered employee.* — Each regularly enrolled volunteer member or trainee of the Maryland Emergency Management Agency established under the Maryland Emergency Management Agency Act is a covered employee.

(b) *Employer.* — For the purposes of this title, the State is the employer of each individual who is a covered employee under this section. (An. Code 1957, art. 101, § 21; 1991, ch. 8, § 2; 2006, ch. 369.)

Effect of amendments. — Chapter 369, Acts 2006, effective October 1, 2006, deleted "Except as provided in paragraph (2) of this subsection" from the beginning of (a); deleted (a)(2); and made related changes.

§ 9-232.1. Volunteer — Civil defense emergency volunteers.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Civil defense volunteer” means an individual who is precertified or preregistered with a unit of State government to provide services at the request of the State during an emergency.

(ii) “Civil defense volunteer” includes a credentialed or registered member of a professional volunteer health corps established by a unit of State government.

(3) (i) “Emergency” has the meaning stated in § 14-101(c) of the Public Safety Article.

(ii) “Emergency” includes:

1. a catastrophic health emergency as defined in § 14-3A-01 of the Public Safety Article; and

2. any event for which the State provides volunteer services in accordance with:

A. the provisions for a state of emergency under § 14-107 or § 14-108 of the Public Safety Article;

B. the Interstate Emergency Management and Civil Defense Compact under § 14-602 of the Public Safety Article; or

C. the Emergency Management Assistance Compact under § 14-702 of the Public Safety Article.

(b) *Coverage in general.* — (1) Subject to paragraph (2) of this subsection, a civil defense volunteer is a covered employee if the individual sustains an injury in the course of providing services at the request of the State during an emergency while the emergency may reasonably be considered to be in existence, or during scheduled emergency training.

(2) A civil defense volunteer is not entitled to workers’ compensation benefits under this section if the individual is otherwise covered by workers’ compensation insurance for services performed at the request of the State during an emergency or scheduled emergency training.

(3) A civil defense volunteer must file a claim in this State to be eligible for benefits under this section.

(4) For the purpose of computing the average weekly wage of a civil defense volunteer who is covered under this section, the wages of the covered employee shall be:

(i) for a covered employee who received a salary or wages from other employment at the time of the accidental personal injury or last injurious exposure, the salary or wages from the other employment; or

(ii) for a covered employee who did not receive a salary or wages from other employment at the time of the accidental personal injury or last injurious exposure:

1. if the covered employee derived income from a source other than salary or wages at the time of the accidental personal injury or last injurious exposure, an amount that allows the maximum compensation under this title;

2. if the covered employee was not engaged in a business enterprise at the time of the accidental personal injury or last injurious exposure, the weekly income last received by the covered employee when engaged in a business enterprise; or

3. if the covered employee had never been engaged in a business enterprise at the time of the accidental personal injury or last injurious

exposure, an amount that allows the minimum compensation under this title. (2006, ch. 369.)

Editor's note. — Section 2, ch. 369, Acts 2006, provides that the act shall take effect on October 1, 2006.

§ 9-234. Volunteer fire or rescue company.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “On duty” means:

1. fighting a fire;
2. performing a duty of a member of an advanced life support unit or an ambulance, first aid, or rescue squad in a volunteer company;
3. except as provided in subparagraph (ii) of this paragraph, performing a duty that the volunteer company assigns to the member;
4. performing a duty that a written bylaw or rule of government adopted for the volunteer company assigns to the member;
5. going to or from performing a duty included under item 1, 2, 3, or 4 of this subparagraph;
6. accompanying an accident or fire victim while being transported to a hospital in a helicopter;
7. returning to the home station of the individual after accompanying a victim under item 6 of this subparagraph;
8. performing a duty assigned to a member of a fire company appointed as a deputy sheriff under § 7-302 or § 7-303 of the Public Safety Article; or
9. performing a duty assigned to an individual appointed to serve as a member of the fire police in Washington County under § 7-304 of the Public Safety Article.

(ii) “On duty” does not include attendance of a member of a volunteer company at a social function unless a written bylaw or rule of government adopted for the volunteer company requires the attendance or participation of the member.

(3) “Volunteer company” means:

- (i) a volunteer advanced life support unit;
- (ii) a volunteer ambulance company or squad;
- (iii) a volunteer fire company or department;
- (iv) a volunteer rescue company, department, or squad; and
- (v) a volunteer fire police unit.

(b) *Scope of coverage.* — An individual who is a covered employee under subsection (h)(2), (k), (n), (o)(2), (p)(1)(ii), (r)(2), (v), or (x)(1) of this section continues to be a covered employee while:

- (1) accompanying an accident or fire victim who is being transported to a hospital in a helicopter; and
- (2) returning to the home station of the individual after accompanying a victim under item (1) of this subsection.

(c) *Allegany County*. — (1) Unless an election is made under paragraph (2) of this subsection, a member of a volunteer company in Allegany County is not a covered employee.

(2) The Board of County Commissioners for Allegany County may provide by resolution for members of a volunteer company in the county to be covered employees while on duty.

(d) *Anne Arundel County*. — A member of a volunteer company in Anne Arundel County is a covered employee while on duty.

(e) *Baltimore County*. — A member of a volunteer company in Baltimore County is a covered employee while on duty.

(f) *Calvert County*. — A member of a volunteer company in Calvert County is a covered employee while on duty.

(g) *Caroline County*. — A member of a volunteer company in Caroline County is a covered employee while on duty.

(h) *Carroll County*. — (1) Unless an election is made in accordance with this subsection, a member of a volunteer company in Carroll County is not a covered employee.

(2) A volunteer fire company in Carroll County may elect to make its members covered employees.

(3) A volunteer fire company that elects to make its members covered employees shall pay the premium for the coverage.

(i) *Cecil County*. — (1) A member of a volunteer company in Cecil County who meets the guidelines set under paragraph (2) of this subsection is a covered employee while on duty.

(2) The Board of County Commissioners of Cecil County may set guidelines to determine the eligibility of members of a volunteer company in the county for coverage under this subsection.

(3) The guidelines under paragraph (2) of this subsection may not limit the number of covered employees in a volunteer company.

(j) *Charles County*. — (1) Unless an election is made in accordance with this subsection, a member of a volunteer company in Charles County is not a covered employee.

(2) The Board of County Commissioners of Charles County may provide by resolution for members of a volunteer company in the county to be covered employees while on duty.

(k) *Dorchester County*. — A member of a volunteer company in Dorchester County is a covered employee.

(l) *Frederick County*. — A member of a volunteer company in Frederick County is a covered employee while on duty.

(m) *Garrett County*. — (1) Unless an election is made under paragraph (2) of this subsection, a member of a volunteer company in Garrett County is not a covered employee.

(2) The Board of County Commissioners for Garrett County may provide by resolution for members of a volunteer company in the county to be covered employees while on duty.

(n) *Harford County*. — A member of a volunteer company in Harford County is a covered employee.

- (o) *Howard County*. — An individual is a covered employee:
- (1) while on duty as an actively participating member of a volunteer company in Howard County; or
 - (2) if not covered under item (1) of this subsection, while a member of a volunteer company in Howard County participating in the activities of the volunteer company.
- (p) *Kent County*. — (1) An individual is a covered employee:
- (i) while on duty as an actively participating member of a volunteer company in Kent County; or
 - (ii) if not covered under item (i) of this paragraph, while a member of a volunteer company in Kent County.
- (2) The Board of County Commissioners of Kent County shall impose annually a tax on assessable property in the county in an amount that is sufficient to pay for coverage under this subsection.
- (3) The Board of County Commissioners of Kent County may limit the number of members in a volunteer company in the county.
- (q) *Montgomery County*. — A member of a volunteer company in Montgomery County is a covered employee while on duty.
- (r) *Prince George's County*. — An individual is a covered employee:
- (1) while on duty as a member of the Laurel volunteer rescue squad in Prince George's County; or
 - (2) while a member of a volunteer company in Prince George's County.
- (s) *Queen Anne's County*. — A member of a volunteer company in Queen Anne's County is a covered employee while on duty.
- (t) *St. Mary's County*. — (1) Unless an election is made under paragraph (2) of this subsection, a member of a volunteer company in St. Mary's County is not a covered employee.
- (2) The Board of County Commissioners for St. Mary's County may provide by resolution for the members of a volunteer company in the county to be covered employees while on duty.
- (u) *Somerset County*. — (1) Unless an election is made under paragraph (2) of this subsection, a member of a volunteer company in Somerset County is not a covered employee.
- (2) The Board of County Commissioners for Somerset County may provide by resolution for members of a volunteer company in the county to be covered employees while on duty.
- (v) *Talbot County*. — (1) A member of a volunteer company in Talbot County is a covered employee.
- (2) The County Council of Talbot County may provide by resolution for members of a volunteer company in the county to be covered employees while on duty.
- (w) *Washington County*. — (1) Unless an election is made under paragraph (2) of this subsection, a member of a volunteer company in Washington County is not a covered employee.
- (2) The Board of County Commissioners for Washington County may provide by resolution for members of a volunteer company in the county to be covered employees while on duty.

(x) *Wicomico County*. — (1) A member of a volunteer company in Wicomico County is a covered employee.

(2) The County Council of Wicomico County may provide by resolution for members of a volunteer company in the county to be covered employees while on duty.

(y) *Worcester County*. — (1) Unless an election is made under paragraph (2) of this subsection, a member of a volunteer company in Worcester County is not a covered employee.

(2) The Board of County Commissioners for Worcester County may provide by resolution for members of a volunteer company in the county to be covered employees while on duty.

(z) *Employer*. — (1) For the purposes of this title, a member of a volunteer company who is a covered employee under this section is an employee of the political subdivision of the State where the volunteer company is organized.

(2) A member of a volunteer company shall be covered while on duty by a policy of workers' compensation insurance.

(aa) *Paid covered employee*. — A member of a volunteer company who is a covered employee under this section may not be considered a paid covered employee of the volunteer company for receiving as a membership benefit a yearly stipend of \$5,200 or less to help offset out-of-pocket expenses. (An. Code 1957, art. 101, §§ 21, 34, 35C; 1991, ch. 8, § 2; ch. 21, § 4; ch. 440, §§ 1, 3; ch. 575, §§ 1, 2; 1992, ch. 22, § 1; 1996, chs. 118, 343; 2000, ch. 61, § 1; 2005, ch. 552; 2006, ch. 44, §§ 1, 6; 2008, ch. 36; 2012, chs. 506, 507; 2018, ch. 12, § 1.)

Effect of amendments. — Chapter 44, Acts 2006, enacted April 7, 2006, pursuant to art. II, § 17(b) of the Maryland Constitution and effective from the date of enactment, substituted “covered employees” for “a covered employee” in (x)(2).

Chapter 36, Acts 2008, approved April 8, 2008, and effective from the date of enactment, deleted former (r)(1) and redesignated accordingly; and deleted “if not covered under item (1) or (2) of this subsection” at the beginning of (r)(2).

Chapters 506 and 507, Acts 2012, effective October 1, 2012, made identical changes. Each added (a)(2)(i)8, (a)(2)(i)9, (a)(3)(v), and (aa) and made related changes.

Section 1, ch. 12, Acts 2018, approved April 5, 2018, and effective from date of enactment, substituted “(r)(2)” for “(r)(3)” in the introductory language of (b).

Editor’s note. — Pursuant to § 6, ch. 44, Acts 2006, “item 6” was substituted for “item (6)” in (a)(2)(i)7.

Employer/employee relationship. — In an employment discrimination action, the district court’s decision that benefits received by

fire company members were not sufficient as compensation to make them employees under Title VII involved the resolution of a disputed material fact; therefore, summary judgment was inappropriate. *Haavistola v. Community Fire Co.*, 6 F.3d 211 (4th Cir. 1993).

Volunteer EMT. — Under Md. Code Ann., Lab. & Empl. § 9-602, a volunteer EMT claimant was “otherwise provided,” and the average weekly wage (AWW) was computed under the subsection for volunteer EMTs that did not refer back to the main subsection; the reviewing court properly excluded testimony from the claimant’s vocational expert that would have been relevant under the main subsection, but was not relevant to the volunteer EMT subsection’s question of the wages lost from other employment. *Stine v. Montgomery Cty.*, 237 Md. App. 374, 185 A.3d 826 (2018).

Cited in *Goldstein v. Chestnut Ridge Volunteer Fire Co.*, 984 F. Supp. 367 (D. Md. 1997); *Mayor of Baltimore City v. Johnson*, 156 Md. App. 569, 847 A.2d 1190 (2004), aff’d, 387 Md. 1, 874 A.2d 439 (2005); *Johnson v. Mayor of Balt.*, 203 Md. App. 673, 40 A.3d 475 (2012).

*Subtitle 4. Insurance Coverage.***§ 9-402. Coverage required.**

(a) *In general.* — Subject to subsections (b) through (f) of this section, each employer shall secure compensation for all covered employees of the employer by:

- (1) maintaining insurance with an authorized insurer;
- (2) participating in a governmental self-insurance group that meets the requirements of § 9-404 of this subtitle;
- (3) participating in a self-insurance group of private employers that meets the requirements of Title 25, Subtitle 3 of the Insurance Article;
- (4) maintaining self-insurance for an individual employer in accordance with § 9-405 of this subtitle; or
- (5) having a county board of education or private noncollegiate institution secure compensation under § 8-402(c) or § 7-114(d) of the Education Article.

(b) *Jurors.* — The State shall secure compensation for jurors by maintaining insurance with the Chesapeake Employers' Insurance Company and paying to the Company the premiums set by the Board for the Company as necessary to provide compensation for jurors.

(c) *Organized militia.* — The Adjutant General shall secure compensation for officers and enlisted members of the organized militia of the State by maintaining insurance with the Chesapeake Employers' Insurance Company or an authorized insurer.

(d) *Owner or trainer of racehorse.* — A licensed owner or trainer of a racehorse who is considered an employer under § 9-212 of this title is in compliance with the requirements of this subtitle if the owner or trainer is in compliance with the requirements of § 11-906 of the Business Regulation Article.

(e) *Recipient of public assistance.* — The Secretary of Human Services shall secure compensation for a recipient of public assistance who is a covered employee under § 9-224 of this title by maintaining insurance with the Chesapeake Employers' Insurance Company and paying to the Company the premiums set by the Board for the Company as necessary to provide compensation for those individuals.

(f) *Volunteer fire company or rescue squad — Anne Arundel, Kent, and Prince George's counties.* — Anne Arundel, Kent, and Prince George's counties shall secure compensation for members of a volunteer fire company or volunteer rescue squad by maintaining insurance with the Chesapeake Employers' Insurance Company or an authorized insurer. (An. Code 1957, art. 101, §§ 16, 21, 34; 1991, ch. 8, § 2; 1992, ch. 22, § 1; ch. 26, § 2; 1996, ch. 10, § 16; 1997, ch. 70, § 4; 2003, ch. 354; 2006, ch. 601; 2007, ch. 229; 2012, ch. 570, § 6; 2013, ch. 676; 2017, ch. 205, § 7.)

Effect of amendments. — Chapter 601, Acts 2006, effective October 1, 2006, reenacted (a) without change.

Chapter 229, Acts 2007, effective October 1, 2007, added "or private noncollegiate institution" in (a)(6).

Chapter 676, Acts 2013, effective October 1, 2013, added “all” in the introductory language of (a), deleted (a)(1), and redesignated accordingly.

Editor’s note. — As to applicability to students in unpaid work-based learning experiences, as defined by § 7-114 of the Education Article, beginning with the 2003-2004 school year, see § 2, ch. 354, Acts 2003.

Pursuant to § 6, ch. 570, Acts 2012, “Chesapeake Employers’ Insurance Company” was substituted for “Injured Workers’ Insurance Fund” in (a)(1), (b), (c), (e), and (f); and in (b) and (e) “to the Company the premiums set by the Board for the Company” was substituted for “into the Fund the premiums set by the Board of the Fund”.

Section 7, ch. 205, Acts 2017, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 7, ch. 205, Acts 2017, “Secretary of Human Services” was substituted for “Secretary of Human Resources” in (e).

“Compensation” is used in broad sense. — Although the purpose of this section is to assure that employers provide and secure the payment of “compensation” to eligible employees and their dependents, the reach of those sections extends to all benefits provided in the article, and the word “compensation” is used in a broad, not a limited, sense. *Uninsured Employers’ Fund v. Booker*, 13 Md. App. 591, 284 A.2d 454 (1971).

Reserves and surplus of Injured Workers’ Insurance Fund held in trust for employees. — The reserves and surplus that the Insurance Article requires Injured Workers’ Insurance Fund (IWIF) to maintain with respect to its policies are held in trust for the employers who are IWIF’s policyholders and the employees who are entitled to benefits under IWIF’s policies. If the General Assembly chose to terminate IWIF’s existence, it would need to make arrangements to preserve such funds for those purposes. 96 Op. Atty. Gen. 3 (March 14, 2011).

Assets in excess of reserve and surplus belong to State on termination of Injured Workers’ Insurance Fund. — To the extent that Injured Workers’ Insurance Fund (IWIF) has assets in excess of the reserves and surplus required by the Insurance Article, upon IWIF’s termination, those assets would belong to the State, which created IWIF. The statute governing IWIF provides for the General Assembly to direct the disposition of those assets or for the

assets to be distributed “as justice requires.” 96 Op. Atty. Gen. 3 (March 14, 2011).

Liability of employer who fails to secure compensation. — An employer who fails to secure compensation to his employees as provided by this section is liable for the assessments provided for in this article upon a decision by the Commission with respect to any claim for compensation. *Uninsured Employers’ Fund v. Hoy*, 23 Md. App. 1, 325 A.2d 446 (1974).

Required coverage for employee of Virginia employer. — Contractor’s workers’ compensation insurance policy, issued pursuant to Va. Code Ann. § 65.2-820, did not provide coverage for a claim arising from a worker’s injuries suffered in Maryland because, (1) under the policy’s terms, coverage was excluded for injuries occurring in states other than Virginia for activities for which the contractor was required by the other state’s laws to procure workers’ compensation insurance, and (2) subsection (a) required the contractor to procure workers’ compensation insurance covering the worker’s injuries because a jury found the worker was regularly employed by the contractor, so the worker was not a casual employee, under § 9-205 of this title. *Smigelski v. Potomac Ins. Co.*, 403 Md. 55, 939 A.2d 189 (2008).

Award of compensation payable in installments is continuing expense of business. — Award of compensation payable in installments is continuing expense of business which must be met as it falls due, and payments must be continued by receivers appointed to operate the business as a going concern. *Bowen v. Hockley*, 71 F.2d 781 (4th Cir. 1934).

Insurance carrier stands in position of employer. — When the legislature by statute authorized employers to contract with insurance companies in order to cover possible claims under this article, it intended the insurance carrier to stand in the position of the employer. *Flood v. Merchants Mut. Ins. Co.*, 230 Md. 373, 187 A.2d 320 (1963).

Free-lance jockey held casual employee. — A free-lance jockey, injured while riding in a race, was held to be a casual employee and was denied compensation for injuries. *East v. Skelly*, 207 Md. 537, 114 A.2d 822 (1955).

Private fire corporations subject to title. — The supervision, oversight and control on the part of the government clearly indicate the peculiarly public nature of the duties performed by private fire corporations. They also show that such corporations are, in fact, governmental in nature. Therefore, private fire corporations are quasi-public corporations and if they have more than one employee are subject to this title. *Potter v. Bethesda Fire Dep’t, Inc.*, 309 Md. 347, 524 A.2d 61 (1987).

Applied in *Uninsured Employers' Fund v. Danner*, 158 Md. App. 502, 857 A.2d 615 (2004), rev'd on other grounds, 882 A.2d 271 (2005).

Quoted in *Nationwide Ins. Cos. v. Rhodes*, 127 Md. App. 231, 732 A.2d 388 (1999); *Zurich Am. Ins. Co. v. Uninsured Employers' Fund*, 197 Md. App. 290, 13 A.3d 98 (2011).

Stated in *Uninsured Employers' Fund v. Lutter*, 342 Md. 334, 676 A.2d 51 (1996); Md.

Motor Truck Ass'n Workers' Comp. Self-Ins. Group v. Prop. & Cas. Ins. Guar. Corp., 386 Md. 88, 871 A.2d 590 (2005).

Cited in *Granite State Ins. Co. v. Hernandez*, 191 Md. App. 548, 992 A.2d 528 (2010); *Zurich Am. Ins. Co. v. Uninsured Employers' Fund*, 196 Md. App. 181, — A.2d —, 9 A.3d 80, 2010 Md. App. LEXIS 168 (2010).

Subtitle 5. Entitlement to and Liability for Compensation.

§ 9-503. Occupational disease — Presumption — Firefighters, fire fighting instructors, rescue squad members, advanced life support unit members, and police officers.

(a) *Heart disease, hypertension, and lung disease — Firefighters, fire fighting instructors, rescue squad members, and advanced life support unit members.* — A paid firefighter, paid fire fighting instructor, paid rescue squad member, paid advanced life support unit member, or sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member who is a covered employee under § 9-234 of this title is presumed to have an occupational disease that was suffered in the line of duty and is compensable under this title if:

(1) the individual has heart disease, hypertension, or lung disease;

(2) the heart disease, hypertension, or lung disease results in partial or total disability or death; and

(3) in the case of a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member, the individual has met a suitable standard of physical examination before becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life support unit member.

(b) *Heart disease or hypertension — Police officers.* — (1) A paid police officer employed by an airport authority, a county, the Maryland-National Capital Park and Planning Commission, a municipality, or the State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this subsection, a deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, Prince George's County correctional officer, or deputy sheriff of Allegany County is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if:

(i) the police officer, deputy sheriff, or correctional officer is suffering from heart disease or hypertension; and

(ii) the heart disease or hypertension results in partial or total disability or death.

(2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer is entitled to the presumption under this subsection only to the extent that the individual suffers from heart disease or hypertension that is more severe than the individual's heart disease or hypertension condition existing prior to the individual's employment as a deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer.

(ii) To be eligible for the presumption under this subsection, a deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer, as a condition of employment, shall submit to a medical examination to determine any heart disease or hypertension condition existing prior to the individual's employment as a deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County deputy sheriff, or Prince George's County correctional officer.

(c) *Cancer*. — A paid firefighter, paid fire fighting instructor, paid rescue squad member, paid advanced life support unit member, or a sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member who is a covered employee under § 9-234 of this title is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if:

(1) the individual has leukemia or prostate, rectal, throat, multiple myeloma, non-Hodgkin's lymphoma, brain, testicular, bladder, kidney or renal cell, or breast cancer that is caused by contact with a toxic substance that the individual has encountered in the line of duty;

(2) the individual has completed at least 10 years of cumulative service within the State as a firefighter, a fire fighting instructor, a rescue squad member, or an advanced life support unit member or in a combination of those jobs;

(3) the cancer or leukemia results in partial or total disability or death; and

(4) in the case of a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member, the individual has met a suitable standard of physical examination before becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life support unit member.

(d) *Lyme disease*. — (1) A paid law enforcement employee of the Department of Natural Resources who is a covered employee under § 9-207 of this title and a park police officer of the Maryland-National Capital Park and Planning Commission is presumed to have an occupational disease that was suffered in the line of duty and is compensable under this title if the employee:

(i) is suffering from Lyme disease; and
 (ii) was not suffering from Lyme disease before assignment to a position that regularly places the employee in an outdoor wooded environment.

(2) The presumption under this subsection for a park police officer of the Maryland-National Capital Park and Planning Commission shall only apply:

(i) during the time that the park police officer is assigned to a position that regularly places the park police officer in an outdoor wooded environment; and

(ii) for 3 years after the last date that the park police officer was assigned by the Maryland-National Capital Park and Planning Commission to a position that regularly placed the officer in an outdoor wooded environment.

(e) *Benefits in addition to retirement benefits.* — (1) Except as provided in paragraph (2) of this subsection, any paid firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, park police officer of the Maryland-National Capital Park and Planning Commission, deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of Prince George's County, or Prince George's County correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of those individuals shall receive the benefits in addition to any benefits that the individual or the dependents of the individual are entitled to receive under the retirement system in which the individual was a participant at the time of the claim.

(2) The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the paid law enforcement employee of the Department of Natural Resources, a park police officer of the Maryland-National Capital Park and Planning Commission, firefighter, fire fighting instructor, sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, Prince George's County or Montgomery County correctional officer, or Anne Arundel County detention officer. (An. Code 1957, art. 101, § 64A; 1991, ch. 8, § 2; 1992, ch. 341; 1996, chs. 118, 637; 1998, ch. 446; 1999, ch. 34, § 8; ch. 179; 2000, ch. 160; 2003, ch. 107; 2005, ch. 553; 2006, ch. 44, § 6; ch. 270; 2007, chs. 5, 350, 351; 2008, chs. 37, 98; 2009, ch. 60, § 5; ch. 709; 2010, chs. 75, 76; 2011, ch. 584; 2012, ch. 445; 2014, ch. 374; 2015, ch. 324, § 1; 2019, chs. 214, 215, 216.)

Effect of amendments. — Chapter 270, Acts 2006, effective October 1, 2006, deleted (d)(1)(iii) and (d)(2) and made related changes.

Chapter 5, Acts 2007, approved March 22, 2007, and effective from date of enactment, ratified a previously made technical correction related to the designations of (d)(1) and (d)(2).

Chapters 350 and 351, Acts 2007, effective October 1, 2007, made identical changes. Each, in (e)(1), added “or the dependents of those

individuals” and “or the dependents of the individual”.

Chapter 37, Acts 2008, enacted April 8, 2008, and effective from date of enactment, reenacted the section without change to make a technical amendment to the purpose paragraph of chs. 350 and 351, Acts 2007.

Chapter 98, Acts 2008, effective October 1, 2008, added (d)(2) and made related changes;

and added “a park police . . . Planning Commission” in (d)(1), (e)(1) and (e)(2).

Chapter 709, Acts 2009, effective October 1, 2009, added the (d)(1)(i) designation, added designations within (d)(1)(i), and added (d)(2); and in (e)(1) and (e)(2) substituted “a park police officer or employee” for “a park police officer.”

Chapters 75 and 76, Acts 2010, effective October 1, 2010, made identical changes. Each added “or a deputy sheriff of Allegany County” in the introductory language of (b)(1) and made a related change.

Chapter 584, Acts 2011, effective October 1, 2011, added “deputy sheriff of Anne Arundel County” wherever it appears in (b) and (e)(1) and made related changes.

Chapter 445, Acts 2012, effective June 1, 2013, in (c)(1) deleted “pancreatic” after “has leukemia or” and added “multiple myeloma, non-Hodgkin’s lymphoma, brain, testicular, or breast”; in (c)(2) substituted “10 years” for “5 years”; and made a related change.

Chapter 374, Acts 2014, effective October 1, 2014, added “paid rescue squad member, paid advanced life support unit member” in the introductory language of (a) and (c).

Section 1, ch. 324, Acts 2015, effective October 1, 2015, added “Anne Arundel County detention officer” or variant throughout (b), (e)(1) and (e)(2); and made related and stylistic changes.

Chapter 214, Acts 2019, effective October 1, 2019, added “bladder, kidney or renal cell” in (c)(1).

Chapters 215 and 216, Acts 2019, effective October 1, 2019, made identical changes. Each deleted “the individual” at the end of the introductory language of (c); added “the individual” in (c)(1) and (c)(4); and rewrote (c)(2) and (c)(3).

Editor’s note. — Pursuant to § 6, ch. 44, Acts 2006, the publisher substituted the designations (d)(1) and (d)(2) for (d)(i) and (d)(ii).

Section 2, ch. 98, Acts 2008, as amended by ch. 629, Acts 2014, provides that “this Act shall take effect October 1, 2008.” Chapter 629, Acts 2014, deleted a prior abrogation of amendment.

Pursuant to § 5, ch. 60, Acts 2009, “are entitled” was substituted for “is entitled” in (e)(1).

Pursuant to § 2, ch. 709, Acts 2009, the amendment is deemed to have abrogated after September 30, 2015.

Section 2, ch. 584, Acts 2011, provides that “notwithstanding the provisions of § 9-503(b)(2) of the Labor and Employment Article, as enacted by Section 1 of this Act, an Anne Arundel County deputy sheriff who is employed on or before September 30, 2011:

“(1) as a condition of continued employment, shall provide to the Anne Arundel County Sheriff on or before December 31, 2011, a copy of a baseline medical report disclosing and describ-

ing any existing heart disease or hypertension from which the deputy sheriff may be suffering; and

“(2) is entitled to the presumption under § 9-503(b)(2) of the Labor and Employment Article, as enacted by Section 1 of this Act, only to the extent that the individual suffers from heart disease or hypertension condition existing as of the date of the medical report provided under paragraph (1) of this section.”

Section 3, ch. 445, Acts 2012, provides that “the Maryland Association of Counties, in consultation with the Professional Firefighters of Maryland and any other entity or person the Association determines appropriate, shall determine the statistics that, as practicable, should be kept relating to firefighters and others who have contracted cancer in order to evaluate the impact of the workers’ compensation cancer presumption law.”

Section 4, ch. 445, Acts 2012, provides that “Section 1 of this Act:

“(1) shall apply to claims filed for an occupational disease on or after June 1, 2013; and

“(2) may not construed to apply to any claim filed before June 1, 2013.”

Section 2, ch. 445, Acts 2012, provides that:

“(a)(1) The Department of Legislative Services, in consultation with and as agreed by the affected stakeholders, shall contract with a medical expert affiliated with an academic research institution or organization to conduct a study of all types of cancers that firefighters, firefighting instructors, members of the Office of the State Fire Marshal, rescue squad members, and advanced life support unit members, as specified under the workers’ compensation cancer presumption law, may contract in the line of duty, as compared to the general population.

“(2) The purpose of the study is to provide guidance to the General Assembly as to the types of cancers firefighters and others are likely to contract in the line of duty in order for the General Assembly to determine which types of cancers should be included in the workers’ compensation cancer presumption law.

“(3)(i) Funding, if any, that may be needed to pay for the study shall be from sources other than the Department.

“(ii) If adequate funding is not available to pay for the study, the Department shall notify the Governor, the affected stakeholders, and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee, that the Department is unable to contract with a medical expert affiliated with an academic research institution or organization to conduct the study, and requesting whether additional funding may be secured in order for the Department to proceed with contracting with a medical expert.

“(b) In conducting the study, the medical expert shall;

“(1) identify and review recent objective and statistically valid studies and other medical evidence relating to all types of cancers firefighters and others may contract in the line of duty;

“(2) prepare a summary table ranking the likelihood of each type of cancer risk to firefighters and others, as compared to the general public;

“(3) determine whether there is a benchmark that could be used to determine if a specific type of cancer should be included in the workers’ compensation cancer presumption law; and

“(4) consider other relevant matters that relate to the purpose of the study.

“(c) In conducting the study, the medical expert shall consult with any person or entity that the medical expert determines appropriate.

“(d)(1) On or before December 1, 2012, the medical expert conducting the study shall report the findings of the study to the Department of Legislative Services.

Section 3, ch. 445, Acts 2012, provides that “the Maryland Association of Counties, in consultation with the Professional Firefighters of Maryland and any other entity or person the Association determines appropriate, shall determine the statistics that, as practicable, should be kept relating to firefighters and others who have contracted cancer in order to evaluate the impact of the workers’ compensation cancer presumption law.”

Section 4, ch. 445, Acts 2012, provides that “Section 1 of this Act:

“(1) shall apply to claims filed for an occupational disease on or after June 1, 2013; and

“(2) may not construed to apply to any claim filed before June 1, 2013.”

Section 2, ch. 374, Acts 2014, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed for an occupational disease before the effective date of this Act [October 1, 2014].”

Section 3, ch. 324, Acts 2015, provides that “notwithstanding the provisions of § 9-503(b)(2) of the Labor and Employment Article, as enacted by Section 1 of this Act, an Anne Arundel County detention officer who is employed on or before September 30, 2015:

“(1) As a condition of continued employment shall provide to the Anne Arundel County Superintendent of Detention Facilities on or before December 31, 2015, a copy of a medical report disclosing and describing any existing heart disease or hypertension from which the detention officer may be suffering; and

“(2) Is entitled to the presumption under § 9-503(b) of the Labor and Employment Article, as enacted by Section 1 of this Act, only to the extent that the individual suffers from heart disease or hypertension that is more severe than the individual’s heart disease or hypertension condition existing as of the date of the medical report provided under item (1) of this section.”

Section 2, chs. 215 and 216, Acts 2019, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed before the effective date of this Act [October 1, 2019].”

Maryland Law Review. — For comment, “The AIDS Project: Creating a Public Health Policy—Rights and Obligations of Health Care Workers,” see 48 Md. L. Rev. 93 (1989).

For note, “The Maryland Survey: 2004-2005: Recent Decisions: The Court of Appeals of Maryland: VIII. Statutory Interpretation, see 65 Md. L. Rev. 1254 (2006).

Constitutionality. — In attacking this section, constitutional impediments grounded upon absence of due process and denial of equal protection of the laws require rejection. *Colgan v. Board of County Comm’rs*, 21 Md. App. 331, 320 A.2d 82 (1974), *aff’d*, 274 Md. 193, 334 A.2d 89 (1975).

This section is couched in plain and simple language, which may be easily understood by persons of ordinary intelligence. This is all that is required of a statute in order to prevent it from being vague and indefinite in a constitutional sense. *Board of County Comm’rs v. Colgan*, 274 Md. 193, 334 A.2d 89 (1975).

Words “fire fighter” as used in this section are not unconstitutionally vague and uncertain. *Colgan v. Board of County Comm’rs*, 21 Md. App. 331, 320 A.2d 82 (1974), *aff’d*, 274 Md. 193, 334 A.2d 89 (1975).

Section’s use of word “compensable” does not make it unconstitutionally vague. *Board of County Comm’rs v. Colgan*, 274 Md. 193, 334 A.2d 89 (1975).

Application of statute. — Because the 2007 amendments to (e) do not apply retroactively, the widow’s claim was governed by the offset provisions of Md. Code Ann., Lab. & Empl. § 9-610. *Johnson v. Mayor of Baltimore*, 430 Md. 368, 61 A.3d 33 (2013).

2007 amendments are, at bottom, substantive and create a new class of people who are entitled to collect dual workers’ compensation and pension benefits who were not able to do so previously. *Johnson v. Mayor of Baltimore*, 430 Md. 368, 61 A.3d 33 (2013).

Construction with other sections. — Maryland Subsequent Injury Fund (SIF) assessment is calculated based on the amount of an award prior to the statutory offsets granted by Md. Code Ann., Lab. & Empl. §§ 9-610 and

9-503 for retirement benefits since the statute imposes an assessment of 6.5 percent on each award for permanent disability or death and imposes the same assessment on each amount payable under a settlement agreement; the public employers' assessments were calculated based on the award amounts for permanent injury prior to the deduction of §§ 9-503 and 9-610 offsets as it fulfilled the legislature's goal of preventing an employee from obtaining double recovery for one injury, ensured the survival of the SIF and did not place a double burden on the public employers. *Injured Workers' Ins. Fund v. Subsequent Injury Fund*, 447 Md. 211, 135 A.3d 365 (2016).

"Is presumed" defined. — Use of phrase "is presumed" in (a), without contrary qualification, should be read to be a presumption, although rebuttable, of fact. *Board of County Comm'rs v. Colgan*, 274 Md. 193, 334 A.2d 89 (1975); *Montgomery County Fire Bd. v. Fisher*, 53 Md. App. 435, 454 A.2d 394, aff'd, 298 Md. 245, 468 A.2d 625 (1983).

"Compensable" defined. — "Compensable" is defined as "that is to be compensated or entitled to compensation." *Board of County Comm'rs v. Colgan*, 274 Md. 193, 334 A.2d 89 (1975).

Legislative intent. — Not only may the legislature properly determine that fire fighters are exposed to health hazards not shared by other government employees, but it may also rationally determine that full-time fire fighters are subject to greater hazards than unpaid fire fighters, volunteers, and those whose principal duties do not involve fighting fires. *Board of County Comm'rs v. Colgan*, 274 Md. 193, 334 A.2d 89 (1975); *Soper v. Montgomery County*, 294 Md. 331, 449 A.2d 1158 (1982).

The unmistakable intent of the General Assembly has been to provide only a single recovery for governmental employees covered by both a pension plan and workers' compensation. *Mayor of Baltimore v. Polomski*, 106 Md. App. 689, 666 A.2d 895 (1995), aff'd, 344 Md. 70, 684 A.2d 1338 (1996).

Under the plain language of the Maryland Worker's Compensation Act, and despite its status as a remedial statute, under this section dual recovery rights of a deceased firefighter to workers' compensation for an occupational disease as well as regular retirement benefits did not protect a surviving spouse from operation of the setoff provision of § 9-610 of this title; therefore, the trial court should have granted the deceased firefighter's municipal employer's motion for summary judgment. *Mayor of Baltimore City v. Johnson*, 156 Md. App. 569, 847 A.2d 1190 (2004), aff'd, 387 Md. 1, 874 A.2d 439 (2005).

Purpose of section. — The legislative purpose in the passage of this section was to amend the workmen's compensation law in the field of

occupational diseases and as such, is not violative of Md. Const., Article III, § 29. *Colgan v. Board of County Comm'rs*, 21 Md. App. 331, 320 A.2d 82 (1974), aff'd, 274 Md. 193, 334 A.2d 89 (1975).

The purpose of this section is to provide a presumption of compensable occupational disease to certain classes of public employees including police officers who, in the course of their daily activities, are subjected to unusual hazards, stresses, and strains. *Soper v. Montgomery County*, 294 Md. 331, 449 A.2d 1158 (1982).

Construction with other sections. — Trial court's conclusion that this section must be read in conjunction with § 9-610 of this article was erroneous; there is no reason to construe the two sections together where the two cover different subject matter and where this section, specifically addressing benefit adjustments of firemen and police officers eligible for retirement and workers' compensation benefits, is clear and unambiguous. *Mayor of Baltimore v. Polomski*, 106 Md. App. 689, 666 A.2d 895 (1995), aff'd, 344 Md. 70, 684 A.2d 1338 (1996).

Workers' Compensation Commission properly ordered an employer to compensate the Subsequent Injury Fund a 6.5 percent assessment based on the entire award to the employee, not merely the amount payable after any offsets for retirement benefits under (e) or § 9-610 of the Labor and Employment Article, as this was required by plain language of § 9-806 of the Labor and Employment Article. *Injured Workers' Ins. Fund v. Subsequent Injury Fund*, 222 Md. App. 347, 112 A.3d 1092 (2015).

Section inapplicable to accidental injury. — This section constitutes an amendment to the law relating to occupational diseases; it does not deal with accidental injury. *Lovellette v. Mayor of Baltimore*, 297 Md. 271, 465 A.2d 1141 (1983).

Burdens of production and persuasion never shift from employer. — Although the presumption of compensability is a rebuttable one of fact, both the burden of production and the burden of persuasion remain fixed on the employer; neither ever shifts to the claimant and the presumption constitutes affirmative evidence on the fire fighter's behalf throughout the case, notwithstanding the production of contrary evidence by the other side. *Montgomery County Fire Bd. v. Fisher*, 298 Md. 245, 468 A.2d 625 (1983).

Presumption of compensability. — Employer has not only the burden of presenting evidence to rebut this section's presumption of compensability, but the burden of persuading the jury that employee's heart attack did not result from an occupational disease. *Montgomery County v. Pirrone*, 109 Md. App. 201, 674

A.2d 98 (1996), cert. denied, 343 Md. 333, 681 A.2d 69 (1996).

It does not matter how the fire fighter contracted the disabling heart disease or how it first became evident since it is presumptively compensable as an occupational disease. *Montgomery County v. Pirrone*, 109 Md. App. 201, 674 A.2d 98 (1996), cert. denied, 343 Md. 333, 681 A.2d 69 (1996).

Reduction of benefits proper. — Benefits recoverable under the workmen's compensation laws were properly reduced pursuant to (b), by the amounts of payments received through a municipal pension plan under its fire and police employees retirement system. *Harris v. Mayor of Baltimore City*, 66 Md. App. 397, 504 A.2d 657 (republished at 517 A.2d 354), aff'd, 306 Md. 669, 511 A.2d 52 (1986).

Paragraph (d)(2) of this section requires the reduction of workers' compensation benefits for a disability caused by an occupational disease paid to a retired fire fighter who is also receiving retirement benefits under a service pension plan; the fact that the retirement benefits are service-related and not the result of an occupational injury does not create an entitlement for the full measure of both. *Polomski v. Mayor of Baltimore*, 344 Md. 70, 684 A.2d 1338 (1996).

Firefighters' widows' workers' compensation death benefits had to be reduced by their service pension benefits as dependents did not fall within the limited exception, for certain public safety workers suffering from particular occupational diseases set forth in (e), to the general restriction under 9-610 of this title on collecting dual benefits, even though the firefighters were eligible for dual benefits while they were alive. *Johnson v. Mayor & City Council*, 387 Md. 1, 874 A.2d 439 (2005).

Retirement did not deprive employee of coverage. — Employee's retirement as a fire fighter did not deprive him of this section's coverage. In fact, the insidious and often elusive nature of occupational diseases compels the opposite conclusion. *Montgomery County v. Pirrone*, 109 Md. App. 201, 674 A.2d 98 (1996), cert. denied, 343 Md. 333, 681 A.2d 69 (1996).

Retirement system benefit set-off. — Where (b) makes no distinction between benefits attributable to the employer and benefits attributable to the employee all of the benefits to which a retired employee may be entitled under the retirement system must be set-off. *Harris v. Mayor of Baltimore City*, 66 Md. App. 397, 504 A.2d 657 (republished at 517 A.2d 354), aff'd, 306 Md. 669, 511 A.2d 52 (1986).

Language of §§ 9-503 and 9-610 of this title is clear and unambiguous; § 9-503(e) of this subtitle provides an exception to the general offset rule for firefighters and other public safety employees suffering from particular occupational diseases, enabling them to collect dual benefits while they are living. It does not,

however, provide that same exception to the dependents of those individuals. *Johnson v. Mayor & City Council*, 387 Md. 1, 874 A.2d 439 (2005).

When a retired firefighter's death from a myocardial infarction was presumed to be due to an occupational disease, under (a), and (e) was amended to allow the dependents of such decedents to receive workers' compensation without a deduction under § 9-610 of this title for service pension benefits, that amendment did not apply retroactively to allow the firefighter's widow to avoid such a deduction because (1) (e) was not procedural, so the amendment did not apply to cases pending at the time of the amendment's enactment, (2) the legislature did not state a clear intention to apply the amendment retroactively, and, (3) had the legislature stated such an intention, retroactive application of the amendment was barred by the fact that the amendment imposed a new burden on the firefighter's employer. *Johnson v. Mayor of Balt.*, 203 Md. App. 673, 40 A.3d 475 (2012).

County's Deferred Retirement Option Program payment was a retirement benefit and the most reasonable and accurate way to convert said portion of retirement benefits to a weekly figure would be to compute a figure for a stream of weekly amounts over the course of retirement that equated in some reasonable way to the lump sum payment, and, while the approach adopted by the Workers' Compensation Commission was one reasonable way to do so, there might be other reasonable ways, consistent with the statute and the principles set forth in the Court of Appeals' opinion to do so. *Balt. County v. Thiergartner*, 442 Md. 518, 113 A.3d 627 (2015).

Heart disease not precluded from compensability. — The mere fact that a fire fighter's heart disease may have been the direct result of immediate sudden strenuous activity, and thus was accidental in nature, does not preclude compensability as an occupational disease under (b). *Lovellette v. Mayor of Baltimore*, 297 Md. 271, 465 A.2d 1141 (1983).

While it may be true that the stress of being a fire fighter/paramedic neither causes nor leads to coronary artery disease or heart disease, the General Assembly has determined otherwise. *Montgomery County v. Pirrone*, 109 Md. App. 201, 674 A.2d 98 (1996), cert. denied, 343 Md. 333, 681 A.2d 69 (1996).

There was sufficient evidence for the jury to conclude that employee's coronary artery disease, leading to a heart attack, resulted from his serving 28 years as a fire fighter/paramedic, thus entitling him to compensation. *Montgomery County v. Pirrone*, 109 Md. App. 201, 674 A.2d 98 (1996), cert. denied, 343 Md. 333, 681 A.2d 69 (1996).

Date of disablement for police officer's compensation claim. — In determining whether this section applies to a police officer's claim for compensation for disability resulting from an occupational disease, the date upon which he ceased performing his duties on a full-time basis shall be regarded as the date of disablement. *Montgomery County Police Dep't v. Jennings*, 49 Md. App. 246, 431 A.2d 721, cert. denied, 291 Md. 779 (1981).

Presumption of compensable occupational disease not extended to deputy sheriffs in some counties. — In those counties, such as Montgomery, that have established police departments, the primary duties performed by deputy sheriffs are dissimilar from the primary duties performed by police officers and do not involve unusual hazards, stresses and strains; therefore, deputy sheriffs in such counties are not to be accorded the presumption of compensable occupational disease otherwise accorded to "police officers" by this section. *Soper v. Montgomery County*, 294 Md. 331, 449 A.2d 1158 (1982).

Prince George's County, Maryland, deputy sheriff was not entitled to summary judgment on the issue of protection by the heart presumption, because the deputy had not complied with the requirement of 1996 Md. Laws, ch. 637, § 2, House Bill 840, of a baseline medical exam showing no heart disease; nonetheless, the deputy could still establish entitlement to the presumption by establishing, on remand, that a later examination, after the statutory deadline, showing no heart disease substantially complied with the statute. *Prince George's County v. Maringo*, 151 Md. App. 662, 828 A.2d 257 (2003).

Testimony of expert witnesses. — The Maryland General Assembly intended that paid police officers be given preferential treatment in compensation cases and that the presumption set forth in this section should impose a formidable burden upon employers of those given preferential treatment under the statute, so that employers should not be allowed to circumvent the statute by the simple expedient of producing experts who testify, in

effect, that the legislative premise underlying the statute was wrong. *City of Frederick v. Shankle*, 136 Md. App. 339, 765 A.2d 1008 (2001), aff'd, 367 Md. 5, 785 A.2d 749 (2001).

Non-permissible basis for expert testimony. — If the medical expert had simply attributed the heart disease to the presence of four of the six major risk factors for cardiovascular disease, that testimony would have been admissible, but where defense counsel went astray was attempting to bolster that opinion by having the expert tell the jury, on direct examination, that stress never causes heart disease. As a matter of science that may be correct, but because it undercut the premise of this section, it was not admissible evidence and not a permissible basis for an expert's opinion. *City of Frederick v. Shankle*, 136 Md. App. 339, 765 A.2d 1008 (2001), aff'd, 367 Md. 5, 785 A.2d 749 (2001).

An employer may not offer evidence denying causation between stress and heart disease in workers' compensation matter where the claimant relied on the presumption of compensability created by the legislature for police officers and firefighters. *City of Frederick v. Shankle*, 367 Md. 5, 785 A.2d 749 (2001).

Remand where Commission held section inapplicable. — Where Commission held this section inapplicable, trial court is correct in remanding case to Commission for an original determination concerning the issue of whether the presumption in this section was, or was not, overcome. *Montgomery County Police Dep't v. Jennings*, 49 Md. App. 246, 431 A.2d 721, cert. denied, 291 Md. 779 (1981).

No repugnancy between title and body of former section. — There is no repugnancy between title and body of former section. The body provided that certain conditions may be compensated. The title in no way conflicted with that purpose. *Colgan v. Board of County Comm'rs*, 21 Md. App. 331, 320 A.2d 82 (1974), aff'd, 274 Md. 193, 334 A.2d 89 (1975).

Cited in *Weatherly v. Great Coastal Express Co.*, 164 Md. App. 354, 883 A.2d 924 (2005); *In re Collins*, — Md. App. —, — A.3d —, 2019 Md. App. LEXIS 640 (Aug. 2, 2019).

Subtitle 6. Benefits.

Part I. General Provisions.

§ 9-602. Average weekly wage.

(a) *Computation — In general.* — (1) Except as otherwise provided in this section, the average weekly wage of a covered employee shall be computed by determining the average of the weekly wages of the covered employee:

- (i) when the covered employee is working full time; and
- (ii) at the time of:

1. the accidental personal injury; or
2. the last injurious exposure of the covered employee to the hazards of an occupational disease.

(2) For purposes of a computation under paragraph (1) of this subsection, wages shall include:

- (i) tips; and

- (ii) the reasonable value of housing, lodging, meals, rent, and other similar advantages that the covered employee received from the employer.

(3) If a covered employee establishes that, because of the age and experience of the covered employee at the time of the accidental personal injury or last injurious exposure to the hazards of the occupational disease, the wages of the covered employee could be expected to increase under normal circumstances, the expected increase may be taken into account when computing the average weekly wage of the covered employee under paragraph (1) of this subsection.

(b) *Baltimore County — Auxiliary police officer or member of volunteer fire company.* — For the purpose of computing the average weekly wage of an auxiliary police officer of Baltimore County who is a covered employee under § 9-220(a) of this title or a member of a volunteer ambulance, ambulance and rescue, or fire company in Baltimore County who is a covered employee under § 9-234 of this title, the wages of the covered employee shall be:

- (1) if the covered employee had other employment at the time of the accidental personal injury or last injurious exposure, the salary or wages from the other employment;

- (2) if the covered employee had had other employment but was not otherwise employed at the time of the accidental personal injury or last injurious exposure, the salary or wages last received by the covered employee from the other employment; or

- (3) if the covered employee had never had other employment at the time of the accidental personal injury or last injurious exposure, an amount that allows minimum death or disability benefits under this title.

(c) *Fire fighters — Department of Natural Resources.* — For the purpose of computing the average weekly wage of an individual engaged for fire fighting by the Department of Natural Resources who is a covered employee under § 9-207 of this title, the wages of the covered employee shall be:

- (1) the greater of:

- (i) any salary or wages received by the covered employee for fire fighting; or

- (ii) any salary or wages earned by the covered employee in other employment at the time of the accidental personal injury or last injurious exposure; or

- (2) if the covered employee did not receive wages for fire fighting or from other employment at the time of the accidental personal injury or last injurious exposure, an amount that allows the minimum compensation or death benefits under this title.

(d) *Handicapped student.* — For the purpose of computing the average weekly wage of a handicapped student who is a covered employee under

§ 9-228(a) of this title, the wages of the covered employee shall be the federal minimum wage that is in effect at the time of the accidental personal injury or last injurious exposure.

(e) *Jockey*. — For the purpose of computing the average weekly wage of a jockey who is a covered employee under § 9-212 of this title, the wages of the covered employee shall be all of the earnings that the jockey earns as a jockey, including those derived from outside the State.

(f) *Member of organized militia*. — For the purpose of computing the average weekly wage of a member of the organized militia of the State who is a covered employee under § 9-215 of this title, the wages of the covered employee shall be the greater of:

(1) the wage provided for active duty in § 13-406(b) of the Public Safety Article;

(2) the actual wages earned by the covered employee in employment in the National Guard; or

(3) the actual wages earned by the covered employee in the employee's civilian employment at the time of entry into State active duty.

(g) *Member of volunteer fire or rescue company*. — (1) Subject to paragraph (2) of this subsection, for the purpose of computing the average weekly wage of an individual who is a covered employee under § 9-234 of this title, the wages of the covered employee shall be:

(i) for a covered employee who received a salary or wages from other employment at the time of the accidental personal injury or last injurious exposure, the salary or wages from the other employment; or

(ii) for a covered employee who did not receive a salary or wages from other employment at the time of the accidental personal injury or last injurious exposure:

1. if the covered employee derived income from a source other than salary or wages at the time of the accidental personal injury or last injurious exposure, an amount that allows the maximum compensation under this title;

2. if the covered employee was not engaged in a business enterprise at the time of the accidental personal injury or last injurious exposure, the weekly income last received by the covered employee when engaged in a business enterprise; or

3. if the covered employee had never been engaged in a business enterprise at the time of the accidental personal injury or last injurious exposure, an amount that allows the minimum compensation under this title.

(2) A yearly stipend of \$5,200 or less to help offset out-of-pocket expenses that a volunteer company, as defined in § 9-234 of this title, pays to a member may not be used when determining the average weekly wage of the member.

(h) *Prisoner*. — For the purpose of computing the average weekly wage of a prisoner who is a covered employee under § 9-221 of this title, the wages of the covered employee shall be:

(1) the wages paid to the prisoner by the county; and

(2) a fair and reasonable amount determined by the Commission for meals and maintenance of the prisoner, but not more than the amount customarily received by the county for its own use by prisoners engaged in employment by other employers.

(i) *Recipient under federal veterans' benefit law.* — For the purpose of computing the average weekly wage of a covered employee whose wages from full-time employment are paid partly by an employer and partly by the United States under a federal veterans' benefit law, the wages of the covered employee shall be the total amounts jointly paid to the covered employee when working full time.

(j) *Volunteer deputy sheriff of Cecil County.* — For the purpose of computing the average weekly wage of a volunteer deputy sheriff of Cecil County or an auxiliary volunteer of the Charles County Sheriff's Office who is a covered employee under § 9-233 of this title, the wages of the covered employee shall be:

(1) if the covered employee had other employment at the time of the accidental personal injury or last injurious exposure, the wages from the other employment;

(2) if the covered employee had had other employment but was not otherwise employed at the time of the accidental personal injury or last injurious exposure, the wages last received by the covered employee from the other employment; or

(3) if the covered employee had never had other employment at the time of the accidental personal injury or last injurious exposure, an amount that allows minimum compensation under this title.

(k) *Juror.* — For the purpose of computing the average weekly wage of a juror who is a covered employee under § 9-213(a) of this title, the wages of the juror shall be the per diem received by the juror for jury duty.

(l) *Covered employees with more than one employer.* — (1) This subsection applies only to a covered employee who:

(i) has suffered:

1. a serious permanent partial disability under § 9-630 of this subtitle; or

2. a permanent total disability under § 9-637 of this subtitle;

(ii) was concurrently employed by more than one employer at the time of the accidental personal injury;

(iii) worked, on average, 20 hours per week or less in the employment in which the accidental personal injury occurred; and

(iv) as a result of the accidental personal injury, is unable to work at any employment the covered employee was engaged in at the time of the accidental personal injury or any similar type of employment.

(2) (i) If the covered employee earned weekly wages from another employment that exceeded the weekly wages the covered employee earned from the employment in which the accidental personal injury occurred, the average weekly wage of the covered employee shall be based on the weekly wages the covered employee earned in the other employment.

(ii) If the covered employee earned weekly wages from two or more other employments and, for more than one of such employments, the weekly wages earned by the employee exceeded the weekly wages of the covered employee from the employment in which the accidental personal injury occurred, the average weekly wage of the covered employee shall be based on

weekly wages of the employment where the employee earned the highest wages.

(3) This subsection may not be interpreted as:

(i) except as provided in §§ 9-630 and 9-637 of this subtitle, relieving from liability to pay compensation the employer in whose employment the accidental personal injury occurred;

(ii) creating any liability to pay compensation on the part of another employer in whose employment the accidental personal injury did not occur; or

(iii) requiring the weekly wages from the employments the employee was engaged in at the time of the accidental personal injury to be combined for purposes of computing the average weekly wage of the covered employee. (An. Code 1957, art. 101, §§ 21, 23, 33, 34, 35, 35A, 35B, 35C, 46, 67; 1991, ch. 8, § 2; ch. 21, § 5; 1992, ch. 22, § 1; 1997, ch. 350; 2003, ch. 17; 2004, ch. 25; 2008, ch. 36, § 6; 2009, ch. 60, § 5; chs. 539, 540; 2010, ch. 208; 2012, chs. 506, 507.)

Effect of amendments. — Chapters 539 and 540, Acts 2009, effective October 1, 2009, made identical changes. Each added “or an auxiliary volunteer of the Charles County Sheriff’s Office” in the introductory language of (j).

Chapter 208, Acts 2010, effective July 1, 2010, added (f)(3) and made related changes.

Chapters 506 and 507, Acts 2012, effective October 1, 2012, made identical changes. Each reenacted (a) without change; added the (g)(1) designation, redesignated accordingly, and added (g)(2); in the introductory language of (g)(1) added “Subject to paragraph (2) of this subsection”; and made related changes.

Editor’s note. — Section 2, ch. 350, Acts 1997, provides that “§ 9-602(1) of the Labor and Employment Article and the changes made to §§ 9-630 and 9-637 of the Labor and Employment Article as enacted by this Act shall be construed retroactively to apply to accidental personal injuries which occurred on or after July 17, 1995 and shall be applied to applications for modification filed on or after July 1, 1997. If a covered employee whose accidental personal injury occurred on or after July 17, 1995, but before July 1, 1997, files an application for modification on or after July 1, 1997, the Workers’ Compensation Commission shall apply the provisions of this Act relating to the payment of additional compensation prospectively from July 1, 1997 as if the modification was filed on July 1, 1997.”

Pursuant to § 6, ch. 36, Acts 2008, “of this subtitle” was substituted for “of this title” in (l)(1)(i)1 and (l)(1)(i)2.

Pursuant to § 5, ch. 60, Acts 2009, “13-406(b)” was substituted for “13-704(b)” in (f)(1), following the amendment by ch. 735, Acts 2009.

Maryland Law Review. — For article on outside salesmen and the Workmen’s Compensation Act, see 5 Md. L. Rev. 172 (1941).

For article, “Survey of Developments in Maryland Law, 1983-84,” see 44 Md. L. Rev. 273 (1985).

For article, “Survey of Developments in Maryland Law, 1984-85,” see 45 Md. L. Rev. 501 (1986).

For comment, “Comparable Worth and the Maryland ERA,” see 47 Md. L. Rev. 1129 (1988).

For note, “The Maryland Survey: 2000-2001: Recent Decisions; II. Commercial Law,” see 61 Md. L. Rev. 824 (2002).

For article, “Survey of Developments in Maryland Law, 1987-88,” see 48 Md. L. Rev. 551 (1989).

University of Baltimore Law Review. — For note discussing the admissibility of evidence of actual wages as a factor to be considered in determining claimant’s loss of earning capacity in cases of permanent partial disability, see 15 U. Balt. L. Rev. 353 (1986).

Actual wage loss. — One who claims compensation for permanent partial disability produced by an occupational disease need not show actual wage loss as a prerequisite to recovery. *Miller v. Western Elec. Co.*, 310 Md. 173, 528 A.2d 486 (1987).

Limited application of (a)(3). — Subsection (a)(3) is limited in its application, and focuses on circumstances as they existed at the time of the injury. *Jung v. Southland Corp.*, 114 Md. App. 541, 691 A.2d 263 (1997), *aff’d*, 351 Md. 165, 717 A.2d 387 (1998).

Basis for average weekly wages. — Average weekly wages cannot be calculated on any broader basis than that adapted for calculating premiums and rates of insurance, and as premiums are calculated on a payroll basis, the compensation to be awarded an injured employee must be calculated on the same basis. *Crowner v. Baltimore United Butchers Ass’n*, 226 Md. 606, 175 A.2d 7 (1961).

Average weekly wage is based upon what employee would earn from employer where

working under specific contract of hire existing between them. To impose other additional obligations upon the employer and the insurer, both of whom were, at the time of the accident, complying fully with all of their obligations under both the Workmen's Compensation Act and their contracts, would be unfair, and by judicial construction, would extend the coverage of the compensation law into an area which would lead to disruption and confusion. *Crowner v. Baltimore United Butchers Ass'n*, 226 Md. 606, 175 A.2d 7 (1961).

Circuit court properly confirmed the decision of the Worker's Compensation Commission, which awarded temporary total disability compensation to the worker based on a 40-hour workweek, even though he had only worked part-time due to weather conditions in the six weeks between his date of hire and his date of injury, because the concept of "average weekly wage" contemplated a projection of what an employee would have gone on to earn if not for the accidental injury. *Richard Beavers Constr., Inc. v. Wagstaff*, 236 Md. App. 1, 180 A.3d 211 (2018).

Effect of wage increase subsequent to injury. — An injured employee's "average weekly wage" cannot be modified based on an actual increase in wages occurring subsequent to the accidental injury. *Jung v. Southland Corp.*, 114 Md. App. 541, 691 A.2d 263 (1997), *aff'd*, 351 Md. 165, 717 A.2d 387 (1998).

Weekly wage formula is a question of law. — Circuit court's determination that the 13-week period promulgated by the Workers' Compensation Commission should be used for establishing claimant's average weekly wage and the appellate court's affirmance were rulings on an issue of law and were not findings of fact on the part of the circuit court. *Gross v. Sessinghaus & Ostergaard, Inc.*, 331 Md. 37, 626 A.2d 55 (1993).

Fringe benefits. — Fringe benefits could not be considered wages under this section's definition; they are not a similar advantage to board, rent, housing, or lodging in that they are not benefits with a present value that is easily converted into a cash equivalent and essentially constitute a speculative interest. *Barnett v. Sara Lee Corp.*, 97 Md. App. 140, 627 A.2d 86, *cert. denied*, 332 Md. 702, 632 A.2d 1207 (1993).

The term "similar advantage" in (a)(2)(ii) does not include fringe benefits such as pension contributions. *Barnett v. Sara Lee Corp.*, 97 Md. App. 140, 627 A.2d 86, *cert. denied*, 332 Md. 702, 632 A.2d 1207 (1993).

Wage loss prior to injury. — If a worker undergoes a period of wage loss he should not recover more than his actual wage. *Frank v. Baltimore County*, 284 Md. 655, 399 A.2d 250 (1979).

Calculation for part-time work. — Where work is part time at best it cannot be calculated

at full time by the calendar. *Crowner v. Baltimore United Butchers Ass'n*, 226 Md. 606, 175 A.2d 7 (1961), citing *Campbell Coal Co. v. Stuby*, 159 Md. 280, 150 A. 878 (1930).

Wages received from more than one source. — It seems apparent that the legislature must have had some reason for specifically stating, in the last sentence of the definition, that average weekly wages shall mean the total average weekly wages from both sources (meaning both moneys paid the employee under a veterans' benefit law and moneys paid as wages by the employer) earned by such an employee when working on full time. This indicates that the legislature was careful to make it clear that the employee's wages received from his employer is what is meant by the phrase "average weekly wages when working on full time." Had it seen fit it could have amended the definition so as to make the phrase apply to all sources of wages, both regular and part time. *Crowner v. Baltimore United Butchers Ass'n*, 226 Md. 606, 175 A.2d 7 (1961).

Workers' compensation claimant was not entitled to temporary partial disability benefits under §§ 9-614 and 9-615 of this subtitle since the claimant was working two jobs at the time of the injury, and the claimant earned more working at the job at which the claimant was not injured, than at the job at which the claimant was injured; the exception in § 9-602(1) of this subtitle did not apply, and the claimant could not combine the claimant's wages from more than one job to arrive at the claimant's average weekly wage. *Thomas v. Giant Food, LLC*, 174 Md. App. 103, 920 A.2d 1112 (2007).

Employee working at two jobs. — Where an employee held a full-time position with one employer at an average weekly wage of \$90.80, and in addition worked for another employer one Saturday each month, for which he received \$15, and was injured while working for the second employer, the \$90.80 per week received from the first employer was not to be considered in determining the employee's average weekly wages for the purpose of the Workers' Compensation Act. *Crowner v. Baltimore United Butchers Ass'n*, 226 Md. 606, 175 A.2d 7 (1961).

The rule set out in *Crowner v. Baltimore United Butchers Ass'n*, 226 Md. 606, 175 A.2d 7 (1961), ensures that each employer will be responsible for paying benefits only in relation to wages paid to the injured employee, and not in relation to all of the employee's earnings from all sources. *Buckler v. Willett Constr. Co.*, 345 Md. 350, 692 A.2d 449 (1997).

Temporary total disability describes a physical state and has no bearing on the relationship between concurrent employers; temporary total disability describes an employee's physical state, independent of the employee's second job.

Buckler v. Willett Constr. Co., 345 Md. 350, 692 A.2d 449 (1997).

Employee working one day per month.

— Where an employee held a full-time position and also worked one Saturday a month for another employer, and received \$15 for each Saturday he worked, and was injured while working for the second employer, the Commission, using the formula of multiplying the \$15 by 12 and dividing the total by 52, properly determined his average weekly wage to be \$3.46. *Crowner v. Baltimore United Butchers Ass'n*, 226 Md. 606, 175 A.2d 7 (1961), commented on in 22 Md. L. Rev. 261 (1962).

Volunteer EMT. — Under this section, a volunteer EMT claimant was “otherwise provided,” and the average weekly wage (AWW) was computed under the subsection for volunteer EMTs that did not refer back to the main subsection; the reviewing court properly excluded testimony from the claimant’s vocational expert that would have been relevant under the main subsection, but was not relevant to the volunteer EMT subsection’s question of the wages lost from another employment. *Stine v. Montgomery Cty.*, 237 Md. App. 374, 185 A.3d 826 (2018).

As to mine employees. — See *Stevenson v. Hill*, 171 Md. 572, 189 A. 910 (1937).

As to members of militia. — See *Merrill v. State Military Dep’t*, 152 Md. 474, 136 A. 897 (1927).

Average weekly wage of sole proprietor.

— Where a claimant was a self-employed sole proprietor at the time of injury, the Workers’ Compensation Commission did not err in calculating his average weekly wage (AWW) based on his net profits, because to disregard business expenses in calculating the AWW of a sole proprietor would lead to an unjustifiably inflated AWW figure, a figure far higher than the economic advantage he gained by working. *Long v. Injured Workers’ Ins. Fund*, 225 Md. App. 48, 123 A.3d 562 (2015).

Average weekly wage of a sole proprietor who elected coverage under the Maryland Workers’ Compensation Act was to be calculated based on the sole proprietorship’s net profit, not on the sole proprietorship’s gross income or gross receipts because the sole proprietorship’s net profit was the best approximation of earnings that the sole proprietor actually took home as net profit did not include the sole proprietorship’s business costs and expenses. *Long v. Injured Workers’ Ins. Fund*, 448 Md. 253, 138 A.3d 1225 (2016).

Domestic servant insured as sole proprietor. — The entire average weekly wage from all sources of domestic employment should be considered in computing the benefits of a do-

mestic servant who is insured as a sole proprietor. 62 Op. Att’y Gen. 936 (1977).

Member of National Guard. — After the passage of the amendment of 1922, including within the scope of the act officers and enlisted men of the organized militia, the Court of Appeals said that a member of the National Guard was a workman for wages under that amendment, although he did not receive any wages, and carried out what was held to be the intention of the amendment by working out a theoretical wage for him. *Merrill v. State Military Dep’t*, 152 Md. 474, 136 A. 897 (1927). See *Clauss v. Board of Educ.*, 181 Md. 513, 30 A.2d 779 (1943).

Member of unpaid auxiliary police force. — This title does not apply to, and therefore provides no benefits for, a member of an unpaid auxiliary police force whose primary function would be to supplement the efforts of the regular Baltimore City police department. 61 Op. Att’y Gen. 662 (1976).

Unpaid student workers. — The Workers’ Compensation Act does not apply to students who are placed in unpaid work positions as part of their educational program because such students are not employees under this section, nor may such students gain coverage through voluntary election with an employer under § 9-204 of this article. 74 Op. Att’y Gen. 320 (1989).

Separate accidental injuries. — Where two separate accidental injuries occurred, the Maryland Workers’ Compensation Commission is required to apportion permanent partial disability percentage among the two incidents, and award benefits at the rates applicable at the time of each accident. *Marshall v. Univ. of Md. Med. Sys. Corp.*, 161 Md. App. 379, 869 A.2d 391 (2005).

Limit on awards for permanent total disability from pulmonary dust disease. — The limit on the weekly rate of compensation for permanent total disability from pulmonary dust disease is to be determined by the law in effect at the date of disability. *Shifflett v. Powhattan Mining Co.*, 293 Md. 198, 442 A.2d 980 (1982).

Applied in *Jung v. Southland Corp.*, 351 Md. 165, 717 A.2d 387 (1998); *Martin v. Beverage Capital Corp.*, 353 Md. 388, 726 A.2d 728 (1999).

Quoted in *CES Card Establishment Servs., Inc. v. Doub*, 104 Md. App. 301, 656 A.2d 332 (1995); *Uninsured Employers’ Fund v. Pennel*, 133 Md. App. 279, 754 A.2d 1120 (2000).

Cited in *Shanks v. Lowe*, 364 Md. 538, 774 A.2d 411 (2001); *Balt. County v. Thiergartner*, 442 Md. 518, 113 A.3d 627 (2015); *In re Collins*, — Md. App. —, — A.3d —, 2019 Md. App. LEXIS 640 (Aug. 2, 2019).

Part IV. Permanent Partial Disability.

§ 9-628. Compensation for less than 75 weeks.

(a) *“Public safety employee” defined.* — In this section, “public safety employee” means:

- (1) a firefighter, fire fighting instructor, or paramedic employed by:
 - (i) a municipal corporation;
 - (ii) a county;
 - (iii) the State;
 - (iv) the State Airport Authority; or
 - (v) a fire control district;
- (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced life support worker who is a covered employee under § 9-234 of this title and who provides volunteer fire or rescue services to:
 - (i) a municipal corporation;
 - (ii) a county;
 - (iii) the State;
 - (iv) the State Airport Authority; or
 - (v) a fire control district;
- (3) a police officer employed by:
 - (i) a municipal corporation;
 - (ii) a county;
 - (iii) the State;
 - (iv) the State Airport Authority;
 - (v) the Maryland-National Capital Park and Planning Commission; or
 - (vi) the Washington Metropolitan Area Transit Authority;
- (4) a Prince George’s County deputy sheriff or correctional officer;
- (5) a Montgomery County deputy sheriff or correctional officer;
- (6) an Allegany County deputy sheriff;
- (7) a Howard County deputy sheriff;
- (8) an Anne Arundel County deputy sheriff or detention officer;
- (9) a Baltimore County deputy sheriff, but only when the deputy sheriff sustains an accidental personal injury that arises out of and in the course and scope of performing duties directly related to:
 - (i) courthouse security;
 - (ii) prisoner transportation;
 - (iii) service of warrants;
 - (iv) personnel management; or
 - (v) other administrative duties;
- (10) a State correctional officer; or
- (11) a Baltimore City deputy sheriff.

(b) *On or after January 1, 1988.* — Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks in a claim arising from events occurring on or after January 1, 1988, the employer or its insurer shall pay the covered employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed \$80.

(c) *On or after January 1, 1989.* — Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks in a claim arising from events occurring on or after January 1, 1989, the employer or its insurer shall pay the covered employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed \$82.50.

(d) *On or after January 1, 1993.* — Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks in a claim arising from events occurring on or after January 1, 1993, the employer or its insurer shall pay the covered employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed \$94.20.

(e) *On or after January 1, 2000.* — Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks in a claim arising from events occurring on or after January 1, 2000, the employer or its insurer shall pay the covered employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed \$114.

(f) *On or after January 1, 2009; January 1, 2010; January 1, 2011.* — Except as provided in subsections (g) and (h) of this section, if a covered employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay to the covered employee compensation that equals one-third of the average weekly wage of the covered employee but does not exceed:

(1) for claims arising from events occurring on or after January 1, 2009, but before January 1, 2010, 14.3% of the State average weekly wage;

(2) for claims arising from events occurring on or after January 1, 2010, but before January 1, 2011, 15.4% of the State average weekly wage; and

(3) for claims arising from events occurring on or after January 1, 2011, 16.7% of the State average weekly wage.

(g) *Exception for certain disabilities.* — If a covered employee is awarded compensation for less than 75 weeks for a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay the covered employee weekly compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9-629 of this subtitle.

(h) *Exception for public safety employees.* — If a public safety employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay the public safety employee compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9-629 of this subtitle. (An. Code 1957, art. 101, §§ 36, 67; 1991, ch. 8, § 2; 1992, ch. 546; 1999, ch. 34, § 8; ch. 457; 2001, ch. 303; 2004, ch. 203; 2005, ch. 25, § 13; 2006, ch. 605; 2007, ch. 434; 2008, chs. 85, 109; 2010, chs. 75, 76; 2012, ch. 398; 2013, chs. 225, 226; 2015, ch. 324, § 2; ch. 339; 2016, ch. 493; 2018, chs. 588, 589; 2019, ch. 256.)

Effect of amendments. — Chapter 605, Acts 2006, effective October 1, 2006, added (a)(6) and made related changes.

Chapter 434, Acts 2007, effective October 1, 2007, added “or correctional officer” in (a)(5).

Chapter 109, Acts 2008, effective October 1, 2008, added “or correctional officer” in (a)(4).

Chapter 85, Acts 2008, effective January 1, 2009, substituted “(g) and (h)” for “(f) and (g)” in (b) through (e); added (f) and redesignated accordingly.

Chapters 75 and 76, Acts 2010, effective October 1, 2010, made identical changes. Each added (a)(6); redesignated accordingly; and made related changes.

Chapter 398, Acts 2012, effective October 1, 2012, added (a)(3)(vi) and made related changes.

Chapters 225 and 226, Acts 2013, effective October 1, 2013, made identical changes. Each added (a)(8) and made related changes.

Section 2, ch. 324, Acts 2015, effective October 1, 2015, added “or detention officer” in (a)(8) and reenacted (h) without change.

Chapter 339, Acts 2015, effective October 1, 2015, added (a)(9); reenacted (h) without change; and made related changes.

Chapter 493, Acts 2016, effective October 1, 2016, deleted “but only when the deputy sheriff is performing law enforcement duties expressly requested, defined, and authorized in accordance with a written memorandum of understanding executed between the Howard County Sheriff and other law enforcement agencies” at the end of (a)(7).

Chapters 588 and 589, Acts 2018, effective October 1, 2018, made identical changes. Each added (a)(10) and made related changes; and reenacted (h) without change.

Chapter 256, Acts 2019, effective October 1, 2019, added (a)(11) and made related changes; and reenacted (h) without change.

Editor’s note. — As to applicability to claims arising from events occurring on or after October 1, 2001, see § 2, ch. 303, Acts 2001.

As to prospective application generally and inapplicability to claims arising from events occurring on or after October 1, 2004, see § 2, ch. 203, Acts 2004.

Section 2, ch. 605, Acts 2006, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events that occurred before the effective date of this Act [October 1, 2006].”

Section 2, ch. 434, Acts 2007, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events occurring before the effective date of this Act [October 1, 2007].”

Section 2, chs. 85 and 109, Acts 2008, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events occurring before the effective date of this Act [January 1, 2009].”

Section 2, chs. 225 and 226, Acts 2013, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events occurring before the effective date of this Act [October 1, 2013].”

Section 4, ch. 324, Acts 2015, provides that “Section 2 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events occurring before the effective date of this Act [October 1, 2015].”

Section 2, ch. 339, Acts 2015, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising before the effective date of this Act [October 1, 2015].”

Section 2, ch. 493, Acts 2016, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events that occurred before the effective date of this Act [October 1, 2016].”

Section 2, ch. 256, Acts 2019, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events occurring before the effective date of this Act [October 1, 2019].”

University of Baltimore Law Forum. — For a 2001 development, “*Ametek v. O’Connor*: Employer and Insurer are Entitled to a Credit for the Number of Weeks Benefits Were Paid When a Workers’ Compensation Award is Increased on Judicial Review,” see 32 U. Balt. Law Forum 37 (2001).

Corrections officer is public safety employee. — Where an injured corrections officer sought an adjustment of an award of permanent partial disability compensation, alleging that the rate of compensation was incorrectly calculated because the officer qualified as a “public safety employee,” the Workers’ Compensation Commission could retroactively modify the officer’s award, as it had continuing jurisdiction to reopen the officer’s case to correct an error of law because the application for the modification was filed within five years of the officer’s last compensation payment. *Gang v. Montgomery Cty.*, 464 Md. 270, 211 A.3d 355 (2019).

Separate accidental injuries. — Where two separate accidental injuries occurred, the Maryland Workers' Compensation Commission is required to apportion permanent partial disability percentage among the two incidents, and award benefits at the rates applicable at the time of each accident. *Marshall v. Univ. of Md. Med. Sys. Corp.*, 161 Md. App. 379, 869 A.2d 391 (2005).

Permissible to combine compensation award. — Employees were properly compensated when the Workers' Compensation Commission combined the awards for the scheduled and unscheduled injuries; it is permissible under the Act to combine compensation awards in order to determine which of the three levels of

compensation prescribed is appropriate. *Montgomery County v. Robinson*, 435 Md. 62, 76 A.3d 1159 (2013).

Applied in *Wright v. Philip Elecs. N. Am.*, 112 Md. App. 642, 685 A.2d 1216 (1996), *aff'd*, 348 Md. 209, 703 A.2d 150 (1997); *Del Marr v. Montgomery County*, 169 Md. App. 187, 900 A.2d 243 (2006), *aff'd*, 916 A.2d 1002, 2007 Md. LEXIS 73 (Md. 2007).

Stated in *Philip Elecs. N. Am. v. Wright*, 348 Md. 209, 703 A.2d 150 (1997); *Carroll v. State*, 136 Md. App. 319, 765 A.2d 998 (2001), *cert denied*, 364 Md. 462, 773 A.2d 513 (2001).

Cited in *Jung v. Southland Corp.*, 351 Md. 165, 717 A.2d 387 (1998).

§ 9-629. Compensation for period equal to or greater than 75 weeks but less than 250 weeks.

If a covered employee is awarded compensation for a period equal to or greater than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered employee weekly compensation that equals two-thirds of the average weekly wage of the covered employee but does not exceed one-third of the State average weekly wage. (An. Code 1957, art. 101, § 36; 1991, ch. 8, § 2; 2001, ch. 303; 2004, ch. 203; 2006, ch. 605; 2007, ch. 434; 2008, chs. 85, 109; 2010, chs. 75, 76; 2013, chs. 225, 226; 2015, ch. 339; 2016, ch. 493; 2018, chs. 588, 589; 2019, ch. 256.)

Effect of amendments. — Chapter 605, Acts 2006, effective October 1, reenacted the section without change.

Chapter 434, Acts 2007, effective October 1, 2007, reenacted the section without change.

Chapter 85, Acts 2008, effective January 1, 2009, reenacted the section without change.

Chapter 109, Acts 2008, effective October 1, 2008, reenacted the section without change.

Chapters 75 and 76, Acts 2010, effective October 1, 2010, reenacted the section without change.

Chapters 225 and 226, Acts 2013, effective October 1, 2013, made identical changes. Each reenacted the section without change.

Chapter 339, Acts 2015, effective October 1, 2015, reenacted the section without change.

Chapter 493, Acts 2016, effective October 1, 2016, reenacted the section without change.

Chapters 588 and 589, Acts 2018, effective October 1, 2018, made identical changes. Each reenacted the section without change.

Chapter 256, Acts 2019, effective October 1, 2019, reenacted the section without change.

University of Baltimore Law Forum. — For a 2001 development, "*Ametek v. O'Connor*: Employer and Insurer are Entitled to a Credit for the Number of Weeks Benefits Were Paid When a Workers' Compensation Award is Increased on Judicial Review," see 32 U. Balt. Law Forum 37 (2001).

Credit to employer for overpayment. — After an award to a claimant is reduced pursuant to a petition for judicial review, the employer is entitled to a credit based upon the number of weeks the employer has paid benefits prior to the reduction, and not based upon the total monetary sum expended. *Philip Elecs. N. Am. v. Wright*, 348 Md. 209, 703 A.2d 150 (1997), superseded by statute on other grounds, *Plein v. DOL, Licensing & Reg.*, 369 Md. 421, 800 A.2d 757 (2002).

The General Assembly intended that an employer's credit for the payment of permanent partial disability benefits be based upon the number of weeks of compensation previously paid, absent clear legislative expression to the contrary; thus, when a claimant's initial award by the Commission is reduced pursuant to a petition for judicial review, an employer shall be entitled to a credit for the number of weeks of benefits actually paid in accordance with the original order, rather than a credit based upon the amount of money previously paid to the worker. *Philip Elecs. N. Am. v. Wright*, 348 Md. 209, 703 A.2d 150 (1997), superseded by statute on other grounds, *Plein v. DOL, Licensing & Reg.*, 369 Md. 421, 800 A.2d 757 (2002).

When an award is increased on judicial review, the employer and insurer are entitled to a credit for previously paid benefits based on the number of weeks the benefits were paid, as

opposed to credit for the total amount of money actually paid to the claimant prior to the increase. *Ametek, Inc. v. O'Connor*, 364 Md. 143, 771 A.2d 1072 (2001).

Separate accidental injuries. — Where two separate accidental injuries occurred, the Maryland Workers' Compensation Commission is required to apportion permanent partial disability percentage among the two incidents, and award benefits at the rates applicable at the time of each accident. *Marshall v. Univ. of Md. Med. Sys. Corp.*, 161 Md. App. 379, 869 A.2d 391 (2005).

Combination of awards for injuries to a scheduled member and injuries defined as "other cases." — When workers received workers' compensation awards for injuries to a scheduled member, under § 9-627(a) through (j) of this subtitle, and injuries defined as "other cases," under § 9-627(k) of this subtitle, as a result of one accident, the Workers' Compensation Commission (Commission) properly combined the two awards to meet the 75-week threshold for an award of enhanced, second tier, compensation under this section because the history of the creation of the second tier of compensation showed that the legislature intended the Commission to consider the total compensation awarded as a result of one accident when deciding if the second tier of compensation applied. *Anderson v. Bd. of Educ.*, 192 Md. App. 343, 994 A.2d 507 (2010).

Employees were properly compensated when the Workers' Compensation Commission combined the awards for the scheduled and unscheduled injuries; it is permissible under the Act to combine compensation awards in order to determine which of the three levels of compensation prescribed is appropriate. *Montgomery County v. Robinson*, 435 Md. 62, 76 A.3d 1159 (2013).

This section allows awards for scheduled and unscheduled losses to be combined, which harmonizes this section and Md. Code Ann., Lab. & Empl. § 9-630 within the larger statutory scheme by providing that the combination of permanent partial injury awards is appropriate in all cases. *Montgomery County v. Robinson*, 435 Md. 62, 76 A.3d 1159 (2013).

Framework for payment of benefits. — The language of § 9-627(k) of this article, as well as the language of § 9-630 and this section, clearly and unambiguously demonstrate a legislative commitment to the payment of permanent partial disability benefits within a weekly framework. *Philip Elecs. N. Am. v. Wright*, 348 Md. 209, 703 A.2d 150 (1997), superseded by statute on other grounds, *Plein v. DOL, Licensing & Reg.*, 369 Md. 421, 800 A.2d 757 (2002).

Determination of State average weekly wage. — Claimant's claim for permanent partial disability benefits was capped by the State average weekly wage on day when the claimant's injury occurred, not the day on which the claimant's benefits commenced, because the workers' compensation insurance premiums are based on actual payroll figures, which means that underwriting is based on actual numbers rather than on speculation. *Sanchez v. Potomac Abatement, Inc.*, 417 Md. 76, 8 A.3d 737 (2010).

Applied in *Wright v. Philip Elecs. N. Am.*, 112 Md. App. 642, 685 A.2d 1216 (1996), *aff'd*, 348 Md. 209, 703 A.2d 150 (1997); *Del Marr v. Montgomery County*, 169 Md. App. 187, 900 A.2d 243 (2006), *aff'd*, 916 A.2d 1002, 2007 Md. LEXIS 73 (Md. 2007).

Stated in *Ametek, Inc. v. O'Connor*, 126 Md. App. 109, 727 A.2d 437 (1999).

Cited in *Jung v. Southland Corp.*, 114 Md. App. 541, 691 A.2d 263 (1997), *aff'd*, 351 Md. 165, 717 A.2d 387 (1998); *Jung v. Southland Corp.*, 351 Md. 165, 717 A.2d 387 (1998).

§ 9-630. Serious disability — Compensation for 250 weeks or more.

(a) *In general.* — (1) Except as provided in paragraph (2) of this subsection, if a covered employee is given an award or a combination of awards resulting from 1 accidental personal injury or occupational disease for 250 weeks or more under § 9-627 of this subtitle:

(i) the Commission shall increase the award or awards by one-third the number of weeks in the award or awards, computed to the nearest whole number; and

(ii) the employer or its insurer shall pay the covered employee weekly compensation that equals two-thirds of the average weekly wage of the covered employee, but does not exceed 75% of the State average weekly wage.

(2) An award for disfigurement or mutilation under § 9-627(i) of this subtitle may not be used to make up the 250 weeks under paragraph (1) of this subsection.

(b) *More than one concurrent employer.* — (1) This subsection applies to the payment of weekly compensation required under subsection (a) of this section if the average weekly wage of a covered employee is computed under § 9-602(1) of this subtitle.

(2) The employer in whose employment the accidental personal injury occurred or the employer's insurer shall pay the covered employee weekly compensation that is based on the weekly wages of the covered employee at the employment in which the covered employee was injured.

(3) Subject to paragraph (4) of this subsection, any additional weekly compensation resulting from computing the average weekly wage based on weekly wages earned by the covered employee in other employment shall be payable in the first instance by the employer in whose employment the employee was injured or the employer's insurer.

(4) Subject to any right of the Subsequent Injury Fund to be impleaded or any right of the Subsequent Injury Fund to defend in a case involving payment from the Subsequent Injury Fund created under Title 10, Subtitle 2 of this article, as allowable under Subtitle 8 of this title, the Subsequent Injury Fund shall reimburse the employer in whose employment the employee was injured or the employer's insurer the amount of additional weekly compensation paid by the employer or insurer under paragraph (3) of this subsection.

(c) *Relation to other provisions.* — (1) Except as provided in paragraph (2) of this subsection, § 9-627 of this subtitle applies to covered employees who are covered by this section.

(2) To the extent of any inconsistency, this section prevails over § 9-627 of this subtitle.

(d) *Reopening.* — If a covered employee receives additional compensation for a disability on a petition to reopen for serious disability, the additional compensation may not increase the amount of compensation previously awarded and paid. (An. Code 1957, art. 101, § 36; 1991, ch. 8, § 2; ch. 21, § 5; 1997, ch. 350; 2008, ch. 85.)

Effect of amendments. — Chapter 85, Acts 2008, effective January 1, 2009, reenacted the section without change.

Editor's note. — As to retroactive application of § 9-602(1) of this article and the changes made to §§ 9-630 and 9-637 of this article to apply to accidental personal injuries which occurred on or after July 17, 1995, and to applications for modification filed on or after July 1, 1997, and prospective application from July 1, 1997 as if the modification was filed on July 1, 1997, to filing for modification on or after July 1, 1997, where the employee was injured on or after July 17, 1995, but before July 1, 1997, see § 2, ch. 350, Acts 1997.

Purpose of section. — When the General Assembly introduced "serious disability" bene-

fits into workers' compensation law, it expressed its purpose to create certain new categories of persons having a serious disability. *Stapleford Hall Joint Venture v. Hyatt*, 330 Md. 388, 624 A.2d 526 (1993).

Calculation of benefits. — The calculation of the "serious disability" benefits due a claimant after the worsening of condition has been determined on a reopening of his or her claim should be as follows: the number of weeks of compensation paid and payable under the revised disability assessment should be augmented by one-third, that number of weeks should be reduced by the weeks of compensation actually paid to the claimant under any previous order of the Commission, and the balance of weeks of compensation should be

awarded to the claimant at the “serious disability” rate. *Stapleford Hall Joint Venture v. Hyatt*, 330 Md. 388, 624 A.2d 526 (1993).

Claimant is entitled to benefits when subsequent injury equals 250 weeks. — Claimant is entitled to “serious disability” benefits only when the award of compensation for a subsequent accidental injury alone equals or exceeds 250 weeks. *Duckworth v. Kelly-Springfield Tire Co.*, 30 Md. App. 348, 353 A.2d 1, aff’d, 278 Md. 361, 363 A.2d 965 (1976).

Separate accidental injuries. — Where two separate accidental injuries occurred, the Maryland Workers’ Compensation Commission is required to apportion permanent partial disability percentage among the two incidents, and award benefits at the rates applicable at the time of each accident. *Marshall v. Univ. of Md. Med. Sys. Corp.*, 161 Md. App. 379, 869 A.2d 391 (2005).

Permissible to combine compensation award. — Employees were properly compensated when the Workers’ Compensation Commission combined the awards for the scheduled and unscheduled injuries; it is permissible under the Act to combine compensation awards in order to determine which of the three levels of compensation prescribed is appropriate. *Montgomery County v. Robinson*, 435 Md. 62, 76 A.3d 1159 (2013).

Md. Code Ann., Lab. & Empl. § 9-629 allows awards for scheduled and unscheduled losses to be combined, which harmonizes that section and this section within the larger statutory scheme by providing that the combination of permanent partial injury awards is appropriate in all cases. *Montgomery County v. Robinson*, 435 Md. 62, 76 A.3d 1159 (2013).

Reopening case. — It is clearly contemplated by this section that the Commission shall consider from time to time any new disability. *Baltimore Publishing Co. v. Hendricks*, 156 Md. 74, 143 A. 654 (1928); *Townsend v. Bethlehem-Fairfield Shipyard, Inc.*, 186 Md. 406, 47 A.2d 365 (1946).

On application to reopen a case to determine whether there had been an increase of disability from an injury for which an award had been made, a physician’s testimony as to the possible effect of the injury upon a preexisting diseased condition was insufficient to show further disability after the award. *Republic Radiator Co. v. Masenheimer*, 163 Md. 651, 163 A. 808 (1933).

Credit to employer for overpayment. — After an award to a claimant is reduced pursuant to a petition for judicial review, the employer is entitled to a credit based upon the number of weeks the employer has paid benefits prior to the reduction, and not based upon the total monetary sum expended. *Philip Elecs. N. Am. v. Wright*, 348 Md. 209, 703 A.2d 150 (1997), superseded by statute on other grounds,

Plein v. DOL, Licensing & Reg., 369 Md. 421, 800 A.2d 757 (2002).

The language of § 9-627(k) of this article, as well as the language of § 9-629 and this section, clearly and unambiguously demonstrate a legislative commitment to the payment of permanent partial disability benefits within a weekly framework. *Philip Elecs. N. Am. v. Wright*, 348 Md. 209, 703 A.2d 150 (1997), superseded by statute on other grounds, *Plein v. DOL, Licensing & Reg.*, 369 Md. 421, 800 A.2d 757 (2002).

The General Assembly intended that an employer’s credit for the payment of permanent partial disability benefits be based upon the number of weeks of compensation previously paid, absent clear legislative expression to the contrary; thus, when a claimant’s initial award by the Commission is reduced pursuant to a petition for judicial review, an employer shall be entitled to a credit for the number of weeks of benefits actually paid in accordance with the original order, rather than a credit based upon the amount of money previously paid to the worker. *Philip Elecs. N. Am. v. Wright*, 348 Md. 209, 703 A.2d 150 (1997), superseded by statute on other grounds, *Plein v. DOL, Licensing & Reg.*, 369 Md. 421, 800 A.2d 757 (2002).

When a claimant’s initial award by the Maryland Workers’ Compensation Commission is reduced pursuant to a petition for judicial review, an employer was held entitled to a credit for the number of weeks of benefits actually paid in accordance with the original order, rather than a credit based upon the amount of money previously paid to the claimant. *Del Marr v. Montgomery County*, 169 Md. App. 187, 900 A.2d 243 (2006), aff’d, 916 A.2d 1002, 2007 Md. LEXIS 73 (Md. 2007).

Credits using weeks rather than prior payment. — Intermediate appellate court correctly affirmed the trial court’s decision that found the credit that should be applied to the claimant’s new workers’ compensation award should be for the number of weeks of compensation previously awarded rather than the number of dollars paid under the previous award, as the language of § 9-736(a) of this title dictated that result to keep the employer from having to overpay on the award and nothing in the language of (d) of this section or § 9-633 of this subtitle showed that the weekly credit approach was impermissible. *Del Marr v. Montgomery County*, 397 Md. 308, 916 A.2d 1002 (2007).

Credit for benefits paid by an employer prior to an increase in award following judicial review. — When an award is increased on judicial review, the employer and insurer are entitled to a credit for previously paid benefits based on the number of weeks the benefits were paid, as opposed to credit for the total amount of money actually paid to the

claimant prior to the increase. *Ametek, Inc. v. O'Connor*, 364 Md. 143, 771 A.2d 1072 (2001).

Applied in *Wright v. Philip Elecs. N. Am.*, 112 Md. App. 642, 685 A.2d 1216 (1996), *aff'd*, 348 Md. 209, 703 A.2d 150 (1997).

Cited in *Mayor of Baltimore v. Cassidy*, 338 Md. 88, 656 A.2d 757 (1995); *Jung v. Southland Corp.*, 114 Md. App. 541, 691 A.2d 263 (1997), *aff'd*, 351 Md. 165, 717 A.2d 387 (1998); *Jung v. Southland Corp.*, 351 Md. 165, 717 A.2d 387

(1998); *Gleneagles, Inc. v. Hanks*, 156 Md. App. 543, 847 A.2d 520 (2004), *aff'd*, 385 Md. 492, 869 A.2d 852 (2005); *Anderson v. Bd. of Educ.*, 192 Md. App. 343, 994 A.2d 507 (2010); *W. R. Grace & Co. v. Swedo*, 439 Md. 441, 96 A.3d 210 (2014); *Injured Workers' Ins. Fund v. Subsequent Injury Fund*, 447 Md. 211, 135 A.3d 365 (2016); *Bd. of Educ. v. Brady*, 228 Md. App. 545, 140 A.3d 489 (2016).

LOCAL GOVERNMENT.

DIVISION I.

DEFINITIONS; GENERAL PROVISIONS.

Title 1.

Definitions; General Provisions.

Subtitle 7. Limits on Competition; Franchises.

Sec.

1-708. Cable television system.

Subtitle 9. Cooperation Among Political Subdivisions.

1-901. Assistance to other political subdivisions authorized.

Subtitle 13. Miscellaneous.

1-1308. Affordable housing programs.

DIVISION II.

MUNICIPALITIES.

Title 5.

Powers.

Subtitle 1. In General.

5-102. Collection of development impact fees.

Subtitle 2. Enumeration of Express Law Making Powers.

5-201. Construction of subtitle.

5-202. General authority of municipalities.

5-203. Grant of express powers.

5-204. Legislative authority — General powers of municipalities.

5-205. Legislative authority — General operations of municipalities.

5-206. Legislative authority — Officers and employees.

5-207. Legislative authority — Public safety.

5-208. Legislative authority — Port wardens.

5-209. Legislative authority — Health and welfare.

5-210. Legislative authority — Establishment of social services.

5-211. Legislative authority — Building regulations.

5-212. Legislative authority — State policy for regulation of development.

5-213. Legislative authority — Zoning regulations.

5-214. Legislative authority — Commercial and industrial development.

Sec.

5-215. Legislative authority — Urban renewal authority.

5-216. Legislative authority — Community services.

5-217. Legislative authority — Cleaning of sidewalks.

5-218. Powers include power and authority in General Provisions Article.

DIVISION III.

COUNTIES.

Title 12.

Other Powers of Counties — Generally.

Subtitle 5. Public Roads.

Part I. Public Roads Generally.

12-504. Control of roads, parking, and sidewalks.

12-508. Fire hydrants.

Part III. Specific County Provisions.

12-530. Regulation of grading, building, improving, maintaining, and repairing of roads in Calvert County.

Subtitle 8. Public Safety.

12-806. Alarm systems in Calvert, Frederick, and Washington counties.

Subtitle 9. Miscellaneous.

12-903. Bounties for killing wild animals and birds.

Title 13.

Other Powers of Counties — Regulatory.

Subtitle 2. Tourism and Entertainment.

13-202. Trailer camps.

DIVISION IV.

LOCAL FINANCE.

Title 18.

Local Economic Development.

Subtitle 3. Commercial or Industrial Development Projects.

18-301. Commercial or industrial development.

Editor's note. — The cases appearing in the notes to this article were decided under the former statutes in effect prior to the 2013 revision. These earlier cases have been moved to pertinent sections of the revised material where they may be used in interpreting the current statutes. Internal references have also been updated.

Editor's notes from legislation affecting the statutes from which the provisions of this article were derived may have been retained and may appear under pertinent provisions of this article.

Section 7, ch. 119, Acts 2013, provides that "it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision, and may not otherwise be construed to render any substantive change in the law of the State."

Section 8, ch. 119, Acts 2013, provides that "the catchlines, captions, Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act."

Section 9, ch. 119, Acts 2013, provides that "nothing in this Act affects the term of office of an appointed or elected member of any commission, board, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law."

Section 10, ch. 119, Acts 2013, provides that "except as expressly provided to the contrary in this Act, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in

all respects as having the powers and obligations granted the former unit."

Section 11, ch. 119, Acts 2013, provides that "the continuity of every commission, board, office, department, agency, or other unit is retained. The personnel records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act."

Section 12, ch. 119, Acts 2013, provides that "except as expressly provided to the contrary in this Act, any person licensed, registered, certified, or issued a permit or certificate by any commission, office, department, agency, or other unit established or continued by any statute amended, repealed, or transferred by this Act is considered for all purposes to be licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued under this Act or the duration of the term for which the license, registration, certification, or permit was issued, and may renew that authorization in accordance with the appropriate renewal provisions of this Act."

Section 13, ch. 119, Acts 2013, provides that "this Act does not rescind, supersede, change, or modify any rule adopted by the Court of Appeals that is or was in effect on the effective date of this Act concerning the practice and procedure in and the administration of the appellate courts and the other courts of the State."

Section 14, ch. 119, Acts 2013, provides that "the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2013 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected."

Section 15, ch. 119, Acts 2013, provides that the act shall take effect October 1, 2013.

DIVISION I.

DEFINITIONS; GENERAL PROVISIONS.

TITLE 1.

DEFINITIONS; GENERAL PROVISIONS.

*Subtitle 7. Limits on Competition; Franchises.***§ 1-708. Cable television system.**

(a) “Cable television system” defined. — (1) Unless otherwise defined by local law, in this section, “cable television system” means a nonbroadcast facility that consists of a set of transmission paths and associated signal generation, reception, and central equipment, under common ownership and control, that distributes or is designed to distribute to subscribers the signals of one or more television broadcast stations.

(2) “Cable television system” does not include a facility that:

- (i) serves 49 or fewer subscribers; or
- (ii) serves only subscribers in one or more multiple dwelling units under common ownership, control, or management.

(b) *Construction of section.* — This section does not authorize the governing body of a county to enact laws or regulations for a municipality.

(c) *Authority.* — The governing body of a county or municipality may:

- (1) grant a franchise for a cable television system that uses a public right-of-way;
- (2) impose franchise fees;
- (3) establish rates applicable to a franchise; and
- (4) adopt rules and regulations for the operation of a franchise. (An. Code 1957, art. 23A, § 2(b)(13), art. 25, § 3C; 2013, ch. 119, § 2.)

REVISOR’S NOTE

Subsection (a) of this section is new language patterned after Chapter 562, Section 2 of the Acts of the General Assembly of 1982.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 23A, § 2(b)(13) and Art. 25, § 3C.

In subsection (b) and the introductory language of subsection (c) of this section, the references to the “governing body” are substituted for the former references to the “county commissioners” for accuracy in light of Chapter 699 of the Acts of the General Assembly of 2010, which clarified that charter counties and code counties may exercise the authority granted to commission counties under Art. 25 of the Code.

In subsection (c)(1) of this section, the former reference to “exclusive or nonexclusive” franchises is deleted as inconsistent with federal law. The Cable Television Consumer Protection

and Competition Act of 1992 prohibits the granting of an “exclusive” franchise. *See* 47 U.S.C. § 541(a)(1). Similarly, in subsection (c)(1) of this section, the former reference to “one or more” is deleted to avoid the implication that an exclusive franchise might be allowed.

Also in subsection (c)(1) of this section, the former reference to a “community antenna system” is deleted as included in the general reference to a “cable television system”.

Also in subsection (c)(1) of this section, the former reference to a “highway, street, road, lane, alley, or bridge” is deleted as unnecessary in light of the reference to a “public right-of-way”.

Defined terms:

“County”	§ 1-101
“Governing body”	§ 1-101
“Municipality”	§ 1-101

University of Baltimore Law Review. — For article, “Franchise Law Compliance: Before the Logo Hits the Streets,” see 10 U. Balt. L. Rev. 1 (1980).

Subtitle 9. Cooperation Among Political Subdivisions.

§ 1-901. Assistance to other political subdivisions authorized.

The governing body of a county or a municipality may provide materials, services, or other assistance to another political subdivision for a public purpose and for mutual benefit. (An. Code 1957, art. 23A, § 8C(a), art. 25, § 219; 2013, ch. 119, § 2.)

REVISOR’S NOTE

This section is new language derived without substantive change from former Art. 25, § 219 and Art. 23A, § 8C(a).

The reference to “a public purpose and for mutual benefit” is substituted for the former references to “purposes deemed to be public and of benefit to the municipal corporation and the other political subdivision” and “purposes deemed to be public and of benefit to the county and the other political subdivision” for brevity.

The former references to a county or municipality’s authority to “lend” assistance to another political subdivision are deleted as included in the authority to “provide” assistance.

The former references to assistance being given “upon such terms as may be agreed upon” are deleted as implicit in the authority granted.

The former references to “tools”, “vehicles”, “implements”, and “consultants” are deleted as included in the reference to “materials, services, or other assistance”.

Defined terms:

“County”	§ 1-101
“Governing body”	§ 1-101
“Municipality”	§ 1-101

Subtitle 13. Miscellaneous.

§ 1-1308. Affordable housing programs.

To support, foster, or promote an affordable housing program for individuals or families of low or moderate income, a county or municipality may:

(1) establish local trust funds or appropriate funds;

(2) waive or modify building permit or development impact fees and charges that are not mandated under State law for the construction or rehabilitation of lower income housing units:

(i) in proportion to the number of lower income housing units of a development; and

(ii) 1. that are financed, wholly or partly, by public funding that requires mortgage restrictions or recorded covenants restricting the rental or sale of the housing units to lower income residents in accordance with specific government program requirements; or

2. that are developed by a nonprofit organization that:

A. has been exempt from federal taxation under § 501(c)(3) of the Internal Revenue Code for at least 3 years; and

B. requires the homebuyer to participate in the construction or rehabilitation of the housing unit;

(3) enact legislation that restricts cost and resale prices and requires development of affordable housing units as part of any subdivision in return for added density;

(4) provide land or property from the inventory of the county or municipality; and

(5) support PILOT (payment in lieu of taxes) programs to encourage construction of affordable housing. (An. Code 1957, art. 24, § 21-101; 2013, ch. 119, § 2; ch. 493, § 1; ch. 494, § 1.)

SPECIAL REVISOR’S NOTE

This section formerly was Art. 24, § 21-101. Chapter 119, Acts of 2013, numbered this section to be § 1-1307. However, Chs. 493 and 494, Acts of 2013, added a new § 1-1302 and renumbered this section to be § 1-1308.

In item (2)(ii)2A of this section, the former reference to exemption for “a period of” at least 3 years was deleted by Ch. 119 as surplusage.

The only other changes were in style.

Defined terms:

“County”	§ 1-101
“Municipality”	§ 1-101
“State”	§ 1-101

Editor’s note. — Section 1, chs. 493 and 494, Acts 2013, redesignated §§ 1-1302 through 1-1308 of this article as enacted by ch. 119, Acts 2013, as §§ 1-1303 through 1-1309 of this article; and § 2, chs. 493, 494 enacted a new § 1-1302.

DIVISION II.

MUNICIPALITIES.

TITLE 5.

POWERS.

Subtitle 1. In General.

§ 5-102. Collection of development impact fees.

(a) *Application of section.* — This section does not affect any agreement existing before October 1, 1997, between a county and a municipality concerning the imposition of development impact fees.

(b) *Assistance with collection.* — If a county imposes a development impact fee on new residential construction to finance the costs of school construction, a municipality shall assist the county by:

(1) collecting and remitting the fee for new residential construction in the municipality to the county; or

(2) requiring the fee to be paid to the county in accordance with the county development impact fee law or ordinance.

(c) *Nexus to project.* — The application of any impact fee paid under subsection (b) of this section shall have a rational nexus to the project for which the fee is assessed. (An. Code 1957, art. 23A, § 8C(b); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 8C(b).

In subsection (a) and the introductory language of subsection (b) of this section, the former references to the "collection" of a fee are deleted as implicit in the authority to impose a fee.

In subsection (a) of this section, the reference to an agreement existing "before October 1, 1997" is added for clarity because that is the date that former Art. 23A, § 8C(b) was enacted.

Defined terms:

"County" § 1-101
 "Municipality" § 1-101

University of Baltimore Law Review. — For article, "Impact Fees in Maryland," see 17 U. Balt. L. Rev. 502 (1989).

Subtitle 2. Enumeration of Express Law Making Powers.

§ 5-201. Construction of subtitle.

This subtitle does not authorize the legislative body of a municipality to adopt an ordinance that is inconsistent with or conflicts with any rule or regulation adopted by the Maryland-National Capital Park and Planning Commission or the Washington Suburban Sanitary Commission. (An. Code 1957, art. 23A, § 2(a); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(a), as it related to the construction of this subtitle.

The former reference to the article not being "taken or construed to affect, change, modify, limit or restrict in any manner any of the corporate powers of the Mayor and City Council of Baltimore which it now has or which hereafter may be granted to it" is deleted as unnecessary because this subtitle does not apply to Baltimore City.

The former reference to any "ordinance . . . passed" by the Maryland-National Capital

Park and Planning Commission or the Washington Suburban Sanitary Commission is deleted because those entities do not have the authority to pass ordinances.

The former reference to a rule or regulation being "ordained" is deleted as included in the reference to a rule or regulation being "adopted".

Defined term:

"Municipality" § 1-101

Maryland Law Review. — For note, "Recent Decisions, The Maryland Court of Appeals," see 54 Md. L. Rev. 670 (1995).

University of Baltimore Law Review. — For note on ordinance requiring deposits on soft drink and beer containers as an exercise of municipal power, see 5 U. Balt. L. Rev. 373 (1976).

For note discussing exercise of police power by a nonlegislative body, see 11 U. Balt. L. Rev. 158 (1981).

For note discussing county ordinance enacted pursuant to Express Powers Act as prevailing over ordinances enacted by municipalities within that county pursuant to municipal Ex-

press Powers Act, see 12 U. Balt. L. Rev. 191 (1982).

For article, "Impact Fees in Maryland," see 17 U. Balt. L. Rev. 502 (1989).

For an article, "Referenda in Maryland: The Need for Comprehensive Statutory Reform," see 42 U. Balt. L. Rev. 655 (2013).

Title of source section. — The title to Acts 1947, ch. 731, the source of the prior, similar section, indicates that it was "to relate, generally, to the powers, duties and rights of municipal corporations in this State." Prince George's County v. Mayor of Laurel, 262 Md. 171, 277 A.2d 262 (1971), superseded on other grounds by statute as stated in Mayor & Council of

Rockville v. Rylins Enters., 372 Md. 514, 814 A.2d 469 (2002).

§ 5-202. General authority of municipalities.

The legislative body of a municipality may adopt ordinances to:

- (1) assure the good government of the municipality;
- (2) protect and preserve the municipality’s rights, property, and privileges;
- (3) preserve peace and good order;
- (4) secure persons and property from danger and destruction; and
- (5) protect the health, comfort, and convenience of the residents of the municipality. (An. Code 1957, art. 23A, § 2(a); 2013, ch. 119, § 2.)

REVISOR’S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(a), as it related to the authority of a municipality to enact local laws relating to police powers.

In the introductory language of this section, the former reference to adopting ordinances “as they may deem necessary” is deleted as surplusage.

In item (5) of this section, the reference to “residents” of the municipality is substituted

for the former reference to “citizens” of the municipality for consistency with the terminology used throughout this article. See General Revisor’s Note to article.

Defined terms:

- “Municipality” § 1-101
- “Person” § 1-101

Powers of municipal corporations. — A municipal corporation can exercise the following powers, and no others: First, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; and third, those essential to the accomplishment of the declared objects and purposes of the corporation — not simply convenient, but indispensable. *McRobie v. Mayor of Westernport*, 260 Md. 464, 272 A.2d 655 (1971); *City of New Carrollton v. Belsinger Signs, Inc.*, 266 Md. 229, 292 A.2d 648 (1972).

Agreement delegating to a city the power to enforce a county zoning ordinance was not ambiguous and did not limit the city’s power to require city-issued building permits and non-residential occupancy permits; a reservation of the county’s authority to issue county permits did not restrict the city from requiring its own permits, the agreement stated that the city

retained the powers conferred upon it by law, and the city did not have to surrender its regulatory powers to accept the delegation. *City of College Park v. Precision Small Engines*, 233 Md. App. 74, 161 A.3d 728 (2017).

Memorandum of understanding (MOU) between a county and a city did not alter the city’s authority, and the MOU permitted the city to require additional permits under its building code. The statutory power of the city to enact regulations was separate and distinct from the power granted by the county in the MOU. *Precision Small Engines, Inc. v. City of College Park*, 457 Md. 573, 179 A.3d 1019 (2018).

Legitimization of unlawful action. — Estoppel cannot make lawful a municipal action which is beyond the scope of its power to act or is not executed in compliance with mandatory conditions prescribed in the charter. *Inlet Assocs. v. Assateague House Condominium Ass’n*, 313 Md. 413, 545 A.2d 1296 (1988).

§ 5-203. Grant of express powers.

(a) *In general.* — In addition to, but not in substitution of, the powers that have been or may be granted to it, the legislative body of a municipality may exercise the express powers provided in this subtitle by adopting ordinances.

(b) *Conflicts.* — Except as provided in Article XI-E of the Maryland Constitution, an ordinance adopted by the legislative body of a municipality may not conflict with State law. (An. Code 1957, art. 23A, § 2(a), 2(b) (intro. lang.); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(a), as it related to the limitations on authority to adopt conflicting laws, and the introductory language of (b).

In subsection (a) of this section, the reference to the municipality “exercis[ing] the express powers provided in this subtitle by adopting ordinances” is substituted for the former reference to the municipality “hav[ing] the following express ordinance-making powers” for clarity.

In subsection (b) of this section, the phrase “[e]xcept as provided in Article XI-E of the Maryland Constitution” is added to clarify that there are certain instances where conflicting laws are constitutionally permissible. See Article XI-E, § 6 of the Maryland Constitution.

Also in subsection (b) of this section, the reference to “State law” is substituted for the former references to “the Constitution of Maryland” and “public general law” for brevity.

Also in subsection (b) of this section, the former reference to ordinances conflicting with public local law “except as provided in § 2B of this article” is deleted as unnecessary in light of § 4-111 of this article, which provides for the application of county legislation to municipalities.

Also in subsection (b) of this section, the former reference to “Baltimore City” is deleted as unnecessary in light of the definition of “municipality”, which does not include Baltimore City.

Also in subsection (b) of this section, the former reference to the legislative body “by whatever name known” is deleted as surplusage.

Defined terms:

“Municipality”	§ 1-101
“State”	§ 1-101

University of Baltimore Law Review. — For note on ordinance requiring deposits on soft drink and beer containers as an exercise of municipal power, see 5 U. Balt. L. Rev. 373 (1976).

For note discussing exercise of police power by a nonlegislative body, see 11 U. Balt. L. Rev. 158 (1981).

For note discussing county ordinance enacted pursuant to Express Powers Act as prevailing over ordinances enacted by municipalities within that county pursuant to municipal Express Powers Act, see 12 U. Balt. L. Rev. 191 (1982).

For article, “Impact Fees in Maryland,” see 17 U. Balt. L. Rev. 502 (1989).

Powers of municipal corporations. — A municipal corporation can exercise the following powers, and no others: First, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; and third, those essential to the accomplishment of the declared objects and purposes of the corporation — not simply convenient, but indispensable. *McRobie v. Mayor of Westernport*, 260 Md. 464, 272 A.2d 655 (1971); *City of New Carrollton v. Belsinger Signs, Inc.*, 266 Md. 229, 292 A.2d 648 (1972).

Authorized countywide ordinance. — Authorized countywide ordinance by chartered county is “public local law” within the meaning

of this section. *Mayor of Forest Heights v. Frank*, 291 Md. 331, 435 A.2d 425 (1981).

County ordinance prevails. — Ordinance of chartered county prevails over conflicting ordinance of municipality located within county, where giving such effect to chartered county legislation is not contrary to the intent embodied in other general enactments by the General Assembly. *Mayor of Forest Heights v. Frank*, 291 Md. 331, 435 A.2d 425 (1981).

When ordinance is required. — If a municipal action is one of general application prescribing a new plan or policy, it is considered legislative and therefore must be accomplished by ordinance. *Inlet Assocs. v. Assateague House Condominium Ass’n*, 313 Md. 413, 545 A.2d 1296 (1988).

An ordinance, rather than a resolution, is required to effectuate the swapping of city property, including street and riparian rights, for public amenities to be provided by a corporation, as part of a general plan of development and comprehensive effort towards the redevelopment of downtown Ocean City. *Inlet Assocs. v. Assateague House Condominium Ass’n*, 313 Md. 413, 545 A.2d 1296 (1988).

Agreements between a city and an apartment building owner that imposed a set one-dollar-per-square-foot fee that was payable when the owners sought building permits, and that purported to waive any other municipal

fees or assessments, were void; the agreements were accomplished by private agreement with the city's mayor, and not by ordinance, as required under this section; the mayor could not contract away the city's board of aldermen's exclusive power pursuant to the city's charter to pass ordinances. Since the mayor lacked authority to sign an agreement that bypassed the board's ability to pass ordinances containing impact fees, the agreements were void ab initio, and it was error for the lower court to grant summary judgment under Rule 2-501(f) to the owners on their action for mandamus relief and specific performance, and it was error to mandate that the city issue the owners' requested building permits. *Twigg v. Riverside Apts., LLC*, 168 Md. App. 351, 896 A.2d 439 (2006), *aff'd*, 396 Md. 527, 914 A.2d 770, 2007 Md. LEXIS 6 (2007).

Ordinance not required. — Because an ordinance to condemn an owner's real property was neither required nor adopted pursuant to the authority granted to a municipality under (b)(24), the condemnation of the owner's property was proper, and the municipality's mayor and aldermen were not prohibited from voting to condemn the property in a closed, executive meeting. *J.P. Delphay L.P. v. Mayor of Frederick*, 396 Md. 180, 913 A.2d 28 (2006).

Limitation on application of charter county ordinances. — The General Assembly may limit the application of charter county ordinances to municipal corporations in those counties without adopting a constitutional amendment to accomplish this purpose. 67 Op. Att'y Gen. 254 (1982).

Office created by charter may be abolished by charter. — Office created by charter may be abolished by charter amendment even though the charter provides that the officer shall hold office during the term for which he was elected. *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

Limitation on power of municipality. — There is an irreconcilable conflict between Article 66B, § 4.08 (a) (now § 4-401 of the Land Use Article), a public general law which expressly permits a taxpayer to appeal from decisions of a board of appeals notwithstanding lack of aggrievement, and a municipal zoning ordinance which requires aggrievement; and insofar as the municipal ordinance limits the right of appeal to aggrieved taxpayers, it is inoperative. *Boulden v. Mayor of Elkton*, 311 Md. 411, 535 A.2d 477 (1988).

City lacks authority to impose street utility fee. — A city lacks authority to impose a street utility fee unless the Legislature enacts enabling legislation. The Legislature could authorize municipalities to impose such a charge as an excise tax without running afoul of the constitutional uniformity requirement applica-

ble to property taxes. 91 Op. Att'y Gen. 14 (Jan. 12, 2006).

Power to remove appointees. — The prior, similar section did not provide the exclusive means under Maryland law for the removal of an appointed municipal official; thus, it did not supplant a mayor's traditional prerogative to remove summarily appointees who serve at the mayor's pleasure. *Bowers v. Town of Smithsburg*, 990 F. Supp. 396 (D. Md. 1997), *aff'd*, 173 F.3d 423 (4th Cir. 1999).

Authority not delegable. — The city of Salisbury could not delegate authority to offer exclusive concessions contracts and to sublease public park land to its Zoo Commission. *Andy's Ice Cream, Inc. v. City of Salisbury*, 125 Md. App. 125, 724 A.2d 717 (1999), cert. denied, 353 Md. 473, 727 A.2d 382 (1999).

Health and safety authority not "express authorization" to levy license fee. — The broad municipal authority to protect the public health and safety does not meet the constitutional standard in § 5, Article XI-E of the Maryland Constitution, "express authorization" to levy a license fee. *Campbell v. Mayor of City of Annapolis*, 289 Md. 300, 424 A.2d 738 (1981).

Legitimization of unlawful action. — Estoppel cannot make lawful a municipal action which is beyond the scope of its power to act or is not executed in compliance with mandatory conditions prescribed in the charter. *Inlet Assocs. v. Assateague House Condominium Ass'n*, 313 Md. 413, 545 A.2d 1296 (1988).

Mandatory container deposit ordinance. — While a city's charter may not have specifically authorized a mandatory container deposit ordinance, the ordinance is expressly authorized by § 5-209 of this article. *Bowie Inn, Inc. v. City of Bowie*, 274 Md. 230, 335 A.2d 679 (1975).

State preemption. — Although there is no particular formula for determining whether the General Assembly intended to preempt by implication an entire area, the primary indicia of a legislative purpose to preempt an entire field of law is the comprehensiveness with which the General Assembly has legislated in the field. *Allied Vending, Inc. v. City of Bowie*, 332 Md. 279, 631 A.2d 77 (1993).

Limitation on authority to regulate businesses and professions. — Even to the extent that a municipal corporation may have general authority to license and otherwise regulate various businesses and professions, it may only exercise that authority to the extent that such regulation is not preempted by or in conflict with public general or public local laws. 67 Op. Att'y Gen. 307 (1982).

Scope of review of Planned Unit Development. — County agency's approval of a Planned Unit Development (PUD) for a seven story mixed-use medical services building was

supported by substantial evidence and not contrary to law because the introduction and passage of the resolution approving the PUD were legislative actions, the motivations behind

which were not subject to review for the appearance of impropriety. *Kenwood Gardens Condos., Inc. v. Whalen Props., LLC*, 449 Md. 313, 144 A.3d 647 (2016).

§ 5-204. Legislative authority — General powers of municipalities.

(a) *Change name of municipality.* — (1) A municipality may change its corporate name.

(2) Before an ordinance under this subsection takes effect, a municipality shall submit the ordinance to the qualified voters of the municipality for their approval at a regular or special municipal election.

(3) A change of name may not affect any right, duty, or obligation of the municipality.

(b) *Establish seal.* — A municipality may have a seal.

(c) *Acquisition and transfer of real property of municipality.* — A municipality may:

(1) acquire by conveyance, purchase, or condemnation any real or leasehold property needed for a public purpose;

(2) construct buildings on municipal property for the benefit of the municipality; and

(3) sell, at public or private sale after 20 days’ public notice, and convey to the purchaser any real or leasehold property belonging to the municipality if the legislative body of the municipality determines that the property is no longer needed for public use.

(d) *Franchises.* — (1) A municipality may grant franchises in accordance with public general law or public local law.

(2) A municipality may grant a franchise for a cable television system as provided in § 1-708 of this article.

(3) For any franchise granted under this subsection, a municipality may:

- (i) impose franchise fees; and
- (ii) adopt rates, rules, and regulations.

(e) *Licensing authority.* — A municipality may exercise the licensing authority granted by law.

(f) *Markets.* — A municipality may:

(1) establish and regulate markets in the municipality; and

(2) license the sale of merchandise in the markets. (An. Code 1957, art. 23A, § 2(b)(8), (13), (18), (24), (27), (32); 2013, ch. 119, § 2.)

REVISOR’S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(8), (13), (18), (27), (32), and the first sentence of (24).

In subsection (a)(2) of this section, the phrase “[b]efore an ordinance under this subsection takes effect” is substituted for the former phrase “such ordinance shall first” for clarity.

In subsection (b) of this section, the former references to “mak[ing]” and “us[ing]” a seal are deleted as implicit in the reference to “hav[ing]” a seal. Similarly, the former reference to “from time to time, alter[ing]” the seal is deleted.

Also in subsection (b) of this section, the former reference to a “common” seal is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “construct[ing] buildings on municipal property” is substituted for the former reference to “erect[ing] buildings thereon” to state expressly that which only was implied in the former law, *i.e.*, that buildings and signs erected by the municipality can be built on property acquired by the municipality.

In subsection (c)(3) of this section, the former reference to “purchasers” is deleted in light of the reference to “purchaser” and Art. 1, § 8, which provides that the singular generally includes the plural.

In subsection (d)(1) of this section, the former reference to “existing” laws is deleted as surplusage. The Local Government Article Review Committee interprets the reference to mean laws applicable at the time of the grant of the franchise.

In subsection (d)(2) of this section, the reference to a municipality granting a franchise “for

a cable television system as provided in § 1-708 of this article” is substituted for the former reference to granting “one or more exclusive or nonexclusive franchises for a community antenna system or other cable television system that utilizes any public right-of-way, highway, street, road, lane, alley, or bridge” for brevity.

In subsection (e) of this section, the reference to authority granted “by law” is substituted for the former reference to authority granted “in the Business Regulations Article and other provisions of law” for brevity.

In subsection (f)(1) of this section, the reference to establishing markets “in the municipality” is added for clarity.

In subsection (f)(2) of this section, the reference to “merchandise” is substituted for the former reference to “marketable commodities” for brevity.

Defined term:
“Municipality”

§ 1-101

Ordinance not required. — Because an ordinance to condemn an owner’s real property was neither required nor adopted pursuant to the authority granted to a municipality under the prior, similar section, the condemnation of the owner’s property was proper, and the municipality’s mayor and aldermen were not prohibited from voting to condemn the property in a closed, executive meeting. *J.P. Delphey L.P. v. Mayor of Frederick*, 396 Md. 180, 913 A.2d 28 (2006).

Authority not delegable. — The city of Salisbury could not delegate authority to offer exclusive concessions contracts and to sublease public park land to its Zoo Commission. *Andy’s Ice Cream, Inc. v. City of Salisbury*, 125 Md. App. 125, 724 A.2d 717 (1999), cert. denied, 353 Md. 473, 727 A.2d 382 (1999).

Other cable television system. — The use of the term “other cable television system” suggests a reasonably clear legislative intent to regard a community antenna system as a cable television system. *Town & Country Mgt. Corp. v. Comcast Cablevision*, 70 Md. App. 272, 520 A.2d 1129 (1987).

Limitation on authority to regulate businesses and professions. — Even to the extent that a municipal corporation may have

general authority to license and otherwise regulate various businesses and professions, it may only exercise that authority to the extent that such regulation is not preempted by or in conflict with public general or public local laws. 67 Op. Att’y Gen. 307 (1982).

Power to purchase property outside corporate limits implied. — Municipal corporations possess implied power to purchase property outside their corporate limits whenever that power is necessary for the exercise of an express grant of power. *Birge v. Town of Easton*, 274 Md. 635, 337 A.2d 435 (1975).

Land within the corporate limits of the municipality may not be suitable or sufficient for the exercise of express powers; thus, rather than limit the exercise of an express grant of power, the power to purchase extraterritorial property, if reasonably necessary for the exercise of an express power, is implied. *Birge v. Town of Easton*, 274 Md. 635, 337 A.2d 435 (1975).

Retrospective application of rental dwelling license fees paid by landlords invalid. — Prior, similar sections may not be applied retrospectively to violate a municipal ordinance which unconstitutionally imposed fees paid by landlords. *Vytar Assocs. v. Mayor of Annapolis*, 301 Md. 558, 483 A.2d 1263 (1984).

§ 5-205. Legislative authority — General operations of municipalities.

(a) *Financial operations.* — (1) A municipality may provide for the control and management of its finances.

(2) The municipality may:

(i) designate the banks or trust companies of the State in which the municipality shall deposit all money belonging to the municipality; and

(ii) provide for the appointment of an auditor or accountant to audit the books and accounts of municipal officers collecting, handling, or disbursing money belonging to the municipality.

(b) *Expenditure for safety, health, and general welfare — In general.* — (1) A municipality may spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants.

(2) Except as provided in paragraph (4) of this subsection, a municipality may not spend money under paragraph (1) of this subsection if the money was not appropriated at the time of the annual levy.

(3) Except as provided in paragraph (4) of this subsection, a municipality may spend money only for the purpose for which the money was appropriated.

(4) A municipality may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two-thirds vote of all the individuals elected to the legislative body.

(c) *Business operations.* — A municipality may provide for:

(1) the purchase of materials, supplies, and equipment through the Department of General Services;

(2) municipal advertising;

(3) printing and publishing statements of its receipts and expenditures; and

(4) codifying and publishing laws, ordinances, resolutions, and regulations.

(d) *Collections.* — (1) Except as otherwise provided under this article, the Tax - General Article, and the Tax - Property Article, a municipality may establish and collect reasonable fees and charges:

(i) for franchises, licenses, or permits granted by the municipality; or

(ii) associated with the exercise of a governmental or proprietary function exercised by a municipality.

(2) A municipality may provide that any valid charge, tax, or assessment made against real property in the municipality is a lien on the property to be collected in the same manner as municipal taxes.

(e) *Agreements with other municipalities.* — A municipality may enter into an agreement with other municipalities for purposes including:

(1) the joint administration of the municipalities;

(2) the cooperative procurement of goods and services, including construction services;

(3) the provision of municipal services; and

(4) the joint funding and management of any project that is centrally located to the municipalities. (An. Code 1957, art. 23A, § 2(b)(1)-(3), (11), (17), (24A), (33), (38); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(1), (2), (3), (11), (17), (24A), (33), and (38).

In subsection (a)(1) of this section, the former reference to the “general” control and management of finances is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to the “Purchasing Bureau” of the Department of General Services is deleted as obsolete.

Also in subsection (c)(1) of this section, the former reference to the purchase through the Department of General Services “whenever desirable” is deleted as surplusage.

In subsection (c)(4) of this section, the former reference to laws “adopted by or affecting the municipality” is deleted as surplusage.

In subsection (d)(1)(i) of this section, the former reference to franchises, licenses, or permits “authorized by law” to be granted is deleted as surplusage. Similarly, in subsection

(d)(1)(ii) of this section, the former reference to functions “authorized by law” to be exercised is deleted.

In the introductory language of subsection (e) of this section, the former reference to entering into an agreement with “one or more” other municipalities is deleted as surplusage.

The Local Government Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (b)(4) of this section for a two-thirds vote of “all the individuals elected to the legislative body” of a municipality to spend money for a different purpose is unclear in the instance of a vacancy in the legislative body. Is the intent of the section to require two-thirds of the number of total elected positions or two-thirds of the number of positions currently filled? The General Assembly may wish to clarify this provision.

Defined terms:

“Municipality”	§ 1-101
“State”	§ 1-101

University of Baltimore Law Review. — For an article, “Superpriority of Remediation Liens: A Cure to the Virus of Blight,” see 45 U. Balt. L. Rev. 443 (2016).

Impact fees. — If a city desires to impose development impact fees on new development to help pay for police and fire protection services, it would be prudent to seek enabling legislation from the General Assembly, applicable to all municipalities, authorizing imposition of impact fees as an excise tax and addressing the types of activities that can be financed in this manner. 89 Op. Att’y Gen. 212 (Nov. 18, 2004).

Supermajority vote requirement. — The supermajority vote requirement is a public general law, applicable to every municipality governed by Article XI-E of the Maryland Constitution, and therefore does not violate the municipal home rule. 88 Op. Att’y Gen. 76 (Mar. 31, 2003).

Because an authorization to expend funds from the unreserved fund balance in the City’s general fund for police equipment was a mid-year supplemental appropriation, the action triggered the supermajority requirement. 88 Op. Att’y Gen. 76 (Mar. 31, 2003).

City lacks authority to impose street utility fee. — A city lacks authority to impose a street utility fee unless the Legislature enacts enabling legislation. The Legislature could authorize municipalities to impose such a charge as an excise tax without running afoul of the constitutional uniformity requirement applicable to property taxes. 91 Op. Att’y Gen. 14 (Jan. 12, 2006).

Health and safety authority not “express authorization” to levy license fee. — The broad municipal authority to protect the public health and safety does not meet the constitutional standard in § 5, Article XI-E of the Maryland Constitution, “express authorization” to levy a license fee. *Campbell v. Mayor of City of Annapolis*, 289 Md. 300, 424 A.2d 738 (1981).

Power to tax is delegated power. — Power of a municipality to tax is a delegated power and exists only when, and to the extent, granted by the State. *Griffin v. Anne Arundel County*, 25 Md. App. 115, 333 A.2d 612 (1975).

Authority to tax. — A municipality’s authority to tax derives from Article XI-E, of the Maryland Constitution and this section. *Griffin v. Anne Arundel County*, 25 Md. App. 115, 333 A.2d 612 (1975).

Power to license expressly granted. — City of Annapolis was expressly granted power to license under its police powers and that necessarily implied the power to impose a license fee or tax. *Campbell v. Mayor of Annapolis*, 44 Md. App. 525, 409 A.2d 1111 (1980), modified, 289 Md. 300, 424 A.2d 738 (1981).

Reasonable relation between license tax and expenses of regulating licensed activity required. — Authority delegated to a municipal corporation under the prior, similar section to regulate or to license and regulate under its police powers does not include the authority to impose a license tax or fee to raise revenue that bears no reasonable relation to the expense of regulation — i.e., that is not reason-

ably related to the costs attendant upon the expense, trouble and labor of licensing and supervising. 67 Op. Att’y Gen. 307 (1982).

Establishment of revenue authority. — The City of Annapolis acted within its home rule powers in establishing a revenue authority as an instrumentality of the city; whether the revenue authority may exercise any specific power granted it by charter amendment will depend on the scope of the relevant statutory grant to the city itself and the manner in which the city by ordinance delegates its power to the revenue authority. 80 Op. Att’y Gen. 227 (August 16, 1995).

Imposition of impact fees on new development. — Financing of beach restoration by imposition of impact fees on new development would probably violate the equal protection clause; however, the development of such a fund to be used for numerous capital improvements rather than exclusively for beach restoration would strengthen the defense against an equal protection challenge. 71 Op. Att’y Gen. 214 (1986).

When two mayors entered into contracts with a developer which waived impact fees previ-

ously approved by the city’s legislative body in exchange for a special assessment, the contracts were ultra vires and unenforceable because the mayors had no authority to enter into such agreements without the enactment of an ordinance by the city’s legislative body, which was not obtained, because, under art. XI-E, § 5 of the Maryland Constitution and art. 14 of the Declaration of Rights, only the General Assembly could impose or, by implication, waive a fee, and it delegated this authority to the city’s legislative body in this section. *River Walk Apts., LLC v. Twigg*, 396 Md. 527, 914 A.2d 770 (2007).

Impact fees, imposed to raise revenue for a city, may be created only by legislative act and therefore, by implication, may be waived only by legislative act. *River Walk Apts., LLC v. Twigg*, 396 Md. 527, 914 A.2d 770 (2007).

Retrospective application of rental dwelling license fees paid by landlords invalid. — Prior, similar sections may not be applied retrospectively to violate a municipal ordinance which unconstitutionally imposed fees paid by landlords. *Vytar Assocs. v. Mayor of Annapolis*, 301 Md. 558, 483 A.2d 1263 (1984).

§ 5-206. Legislative authority — Officers and employees.

(a) *Merit system.* — (1) A municipality may establish a merit system in connection with the appointment of any municipal official or employee not elected or appointed under the Maryland Constitution, public general law, or public local law.

(2) In accordance with § 4-303 of the State Personnel and Pensions Article, a municipality may request and use the facilities of the Department of Budget and Management in the administration of a merit system established under paragraph (1) of this subsection.

(b) *Compensation.* — A municipality may set the compensation of municipal officers and employees.

(c) *Pension and group insurance.* — A municipality may provide for:

(1) a retirement or pension system or a group insurance plan for its officers and employees; or

(2) including its officers and employees in any retirement or pension system operated by or in conjunction with the State, on the terms and conditions set forth in State law.

(d) *Removal of officers.* — (1) Subject to paragraph (2) of this subsection, a municipality may provide for the removal or temporary suspension from office of an appointed municipal officer for:

- (i) inefficiency;
- (ii) malfeasance;
- (iii) misfeasance;
- (iv) nonfeasance;
- (v) misconduct in office; or
- (vi) insubordination.

(2) Before removing or suspending any officer, the municipality shall notify the officer and conduct a hearing.

(3) A municipality may provide for filling the vacancy caused by the removal or suspension.

(e) *Special elections.* — Subject to its municipal charter, a municipality may provide for special elections for municipal purposes at times and places determined by the municipality. (An. Code 1957, art. 23A, § 2(b)(19), (21), (25), (26), (29); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(19), (21), (25), (26), and (29).

In subsection (a)(2) of this section, the reference to “us[ing]” facilities is substituted for the former reference to “avail[ing] themselves of” facilities for brevity.

Also in subsection (a)(2) of this section, the former reference to the use of facilities “without unnecessary expense” is deleted as surplusage.

In subsection (b) of this section, the former reference to “salary” is deleted as included in the reference to “compensation”.

In the introductory language of subsection (d)(1) of this section, the phrase “[s]ubject to paragraph (2) of this subsection” is added for clarity.

Also in the introductory language of subsection (d)(1) of this section, the reference to “an appointed municipal officer” is substituted for the former reference to “any person who has

been appointed to any municipal office” for brevity.

Also in the introductory language of subsection (d)(1) of this section, the former phrase “adjudged to have been guilty” is deleted as implicit in the requirement that a municipality hold a hearing before removing or suspending an officer.

In subsection (d)(2) of this section, the phrase “[b]efore removing or suspending any officer, the municipality shall notify the officer and conduct a hearing” is substituted for the former phrase “after due notice and hearing” for clarity.

In subsection (e) of this section, the reference to a special election at the times and places determined “by the municipality” is added for clarity.

Defined terms:

“Municipality”	§ 1-101
“State”	§ 1-101

First charter may provide prompt special election. — A first charter may provide for prompt special election of a first council and that the terms of the existing county commissioners of a county becoming a charter county are not unlawfully shortened by the transfer by the charter of their powers and duties to the council since “the commissioners hold their offices subject to the possibility that they may be ousted under the provisions of the Home Rule Amendment providing for the adoption of a charter.” *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

Amendment may provide for special election. — Amendment to municipal corporation charter may provide for special election for mayor and councilmen who are to serve until next regular election. *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

Citizens of municipal corporation may lawfully amend municipal charter even if such amendment results in shortening terms of mayor and councilmen of town. *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

Office created by charter may be abolished by charter. — Office created by charter may be abolished by charter amendment even though the charter provides that the officer shall hold office during the term for which he was elected. *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

Limitation on power of municipality. — There was an irreconcilable conflict between Article 66B, § 4.08 (a) [now § 4-401 of the Land Use Article], a public general law which expressly permits a taxpayer to appeal from decisions of a board of appeals notwithstanding lack of aggrievement, and a municipal zoning ordinance which requires aggrievement; and insofar as the municipal ordinance limits the right of appeal to aggrieved taxpayers, it is inoperative. *Boulden v. Mayor of Elkton*, 311 Md. 411, 535 A.2d 477 (1988).

Power to remove appointees. — Subsection (b)(25) [now this section] did not provide the exclusive means under Maryland law for the removal of an appointed municipal official; thus, it did not supplant a mayor’s traditional prerogative to remove summarily appointees

who served at the mayor's pleasure. *Bowers v. Town of Smithsburg*, 990 F. Supp. 396 (D. Md. 1997), *aff'd*, 173 F.3d 423 (4th Cir. 1999).

§ 5-207. Legislative authority — Public safety.

(a) *Establishment of public safety units.* — A municipality may establish and maintain:

- (1) a fire department; and
- (2) a police force.

(b) *Regulation of hazardous and explosive materials.* — A municipality may:

- (1) provide for the removal of fire hazards;
- (2) control the use and handling of dangerous and explosive materials;

and

- (3) prevent the discharge of firearms or other explosive instruments.

(c) *Miscellaneous.* — A municipality may:

(1) pay rewards for information relating to crime committed in the municipality;

(2) prohibit vagrancy, vice, gambling, and houses of prostitution in the municipality;

(3) enforce all ordinances relating to disorderly conduct and nuisances equally:

- (i) within the municipality; and
- (ii) up to one-half mile outside the municipal limits, except where there is a conflict with the powers of another municipality; and

(4) prohibit minors from being on the streets and in public places at certain hours of the night. (An. Code 1957, art. 23A, § 2(b)(9), (10), (12), (22), (23), (34); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(9), (10), (12), (22), (23), and (34).

In subsection (a)(2) of this section, the former reference to an "adequate" police force is deleted as implicit in the requirement to establish a police force.

In subsection (c)(1) of this section, the former reference to "offer[ing]" rewards is deleted as implicit in the reference to "pay[ing]" rewards.

In subsection (c)(2) of this section, the reference to houses of "prostitution" is substituted for the former archaic reference to houses of "ill fame".

Also in subsection (c)(2) of this section, the reference to "prohibit[ing]" certain activities is substituted for the former reference to "punish-

[ing] and suppress[ing]" certain activities for brevity.

Also in subsection (c)(2) of this section, the former reference to "the owning or keeping" of houses of prostitution is deleted as surplusage.

In subsection (c)(3) of this section, the former reference to the "suppression of" nuisances is deleted as surplusage.

In subsection (c)(4) of this section, the reference to "minors" is substituted for the former reference to "the youth" for clarity.

Also in subsection (c)(4) of this section, the reference to "certain" hours is substituted for the former reference to "unreasonable" hours for clarity.

Defined term:

"Municipality" § 1-101

Impact fees. — If a city desires to impose development impact fees on new development to help pay for police and fire protection services, it would be prudent to seek enabling

legislation from the General Assembly, applicable to all municipalities, authorizing imposition of impact fees as an excise tax and addressing the types of activities that can be financed in

this manner. 89 Op. Att’y Gen. 212 (Nov. 18, 2004).

Section inapplicable to return of seized firearms. — City policy requiring plaintiff, who was taken into custody for an emergency psychiatric evaluation pursuant to § 10-622 of the Health - General Article but was never formally committed pursuant to § 10-619 of the Health - General Article or charged with any crime, to fill out the city police department’s application for return of firearms before returning seized firearms that plaintiff was licensed to hold under State and federal law exceeded the city’s authority under State law because (1) § 4-209(a) of the Criminal Law Article precluded the city from imposing its own requirements with regard to plaintiff’s having and holding firearms that the State and federal governments had licensed him to have and hold; (2) the State police presumably had authority under §§ 5-105 and 5-122 of the Public Safety Article to revoke a license to possess firearms if a licensee were deemed to present a danger to himself or others; (3) the prior, similar section was inapplicable due to the fact that the case did not involve explosive materials or the discharge of firearms; (4) § 5-103 of the Public Safety Article, which contained exceptions similar to the carve-outs in §§ 5-102 and 5-119 of the Public Safety Article, did not provide an exception for transfers made to local law enforcement agencies; (5) §§ 5-133(b) and 5-134 of the Public Safety Article, which set out

qualifications for the possession, sale, rental, or transfer of firearms, confined determinations regarding whether a person was a habitual drunkard or a habitual drug user and whether a person suffered from a mental disorder by referring to the definitions set forth in § 5-101(l) and (m) of the Public Safety Article, § 10-101(f)(2) of the Health - General Article, and § 5-133(b)(6) of the Public Safety Article; (6) §§ 5-133(b) and 5-134 of the Public Safety Article did not contain a catch-all provision for detaining otherwise duly licensed firearms based on generalized concerns about public safety; (7) although § 5-104 of the Public Safety Article only preempted local restrictions on sales of firearms, §§ 5-133(a) and 5-134(a) of the Public Safety Article preempted restrictions on the possession and transfer of firearms; and (8) the city’s argument that Title 5, Subtitle 1 of the Public Safety Article did not apply to the return of seized firearms conflicted with § 13-203(b)(2) of the Criminal Procedure Article. However, the wrongful deprivation of plaintiff’s firearms did not violate procedural or substantive due process because (1) plaintiff could seek the return of his property in the State courts pursuant to § 1-203 of the Criminal Procedure Article and §§ 1-501 and 4-401(2) of the Courts Article; and (2) the city’s conduct was not egregiously unacceptable, outrageous, or conscience-shocking. *Mora v. City of Gaithersburg*, 462 F. Supp. 2d 675 (D. Md. 2006), *aff’d in part*, modified on procedural grounds, 519 F.3d 216 (4th Cir. Md. 2008).

§ 5-208. Legislative authority — Port wardens.

(a) *Establish board of port wardens.* — A municipality may provide for the creation, appointment, duties, and powers of a board of port wardens to exercise jurisdiction in the municipality.

(b) *Scope of authority.* — (1) A board of port wardens may regulate the placement or construction of structures or other barriers in or on the waters of the municipality.

(2) The board may:

(i) issue licenses to build wharves or piers; and

(ii) issue permits for mooring piles, floating wharves, buoys, and anchors.

(3) When issuing licenses or permits under paragraph (2) of this subsection, the board shall consider:

(i) the present and proposed uses of the waters;

(ii) the effect of the present and proposed uses of the waters on marine life, wildlife, conservation, water pollution, erosion, and navigational hazards;

(iii) the effect of the proposed use of the waters on congestion in the waters;

(iv) the effect of the proposed use of the waters on other riparian property owners; and

(v) the present and projected needs for any proposed commercial or industrial use in or on the waters of the municipality.

(4) The board shall ensure that the improvements do not render navigation too close and confined.

(5) The board may regulate the materials for and construction of the improvements.

(6) This subsection does not affect the zoning power of the municipality.

(c) *Wharf and pier building restrictions; penalties.* — (1) Unless a person has been granted a license or permit from the board of port wardens, a person may not:

- (i) build a wharf or pier;
- (ii) move any earth or other material for the purpose of building a wharf or pier; or
- (iii) place or construct mooring piles, floating wharves, buoys, or anchors.

(2) A person may not build a wharf or pier:

- (i) a greater distance into the water than approved by the board; or
- (ii) in a different form or of different materials than approved by the board.

(3) A person who violates this subsection is subject to a fine set by the legislative body of the municipality.

(d) *Appeals.* — A person aggrieved by a decision of a board of port wardens may appeal the decision:

- (1) to the legislative body of the municipality; or
- (2) if authorized by ordinance, to the circuit court of the appropriate county. (An. Code 1957, art. 23A, § 2(b)(23A); 2013, ch. 119, § 2.)

REVISOR’S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(23A).

In subsection (b) of this section, the former phrase “including but not limited to” is deleted in light of the revised structure of the section.

In subsection (b)(1) of this section, the former reference to the “erection” of structures is deleted as included in the reference to the “construction” of structures.

In subsection (b)(2)(i) of this section, the former reference to “creat[ing]” wharves or piers is deleted as included in the reference to “build[ing]” wharves or piers.

In subsection (b)(3) of this section, the references to use “of the waters” are added to state expressly that which was implied in the former law, *i.e.*, that the issues listed should be considered by the board of port wardens when deliberating on a request for a license or permit for an improvement.

In the introductory language of subsection (b)(3) of this section, the phrase “shall consider” is substituted for the former phrase “taking into account” for clarity.

In subsection (b)(3)(v) of this section, the reference to commercial or industrial use “in or on the waters of the municipality” is added for clarity.

In subsection (b)(4) of this section, the former reference to improvements “in the waters within the municipality” is deleted as unnecessary because the improvements addressed in this section are all in the waters in the municipality.

In subsection (b)(6) of this section, the phrase “does not” is substituted for the former phrase “in no way intends to” for clarity and brevity.

Also in subsection (b)(6) of this section, the former reference to “conflict[ing]” with the zoning power is deleted as included in the reference to “affect[ing]” the zoning power.

In subsection (c)(1)(ii) of this section, the reference to “mov[ing]” earth is substituted for the former reference to “carry[ing] out” earth for clarity.

In the introductory language of subsection (d) of this section, the reference to “[a] person aggrieved by a decision of a board of port wardens” is substituted for the former refer-

ence to “[i]n all differences that arise between any aggrieved party and the port wardens of that municipal corporation concerning the discharge of the duties of the port wardens” for brevity.

In subsection (d)(2) of this section, the former reference to being authorized “by the municipal

corporation” by ordinance is deleted as surplusage.

Defined terms:

“Municipality”	§ 1-101
“Person”	§ 1-101

Section did not preempt municipal action. — The language of former subsection (b)(23A) [now this section] did not forcefully express any legislative intent to occupy a specific field of regulation and thus preempt municipal action in the same area. *Mayor of Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383, 396 A.2d 1080 (1979).

There is no conflict between section and section of Annapolis city charter concerning regulation by port wardens of construction of wharves and piers in Annapolis. *Mayor of Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383, 396 A.2d 1080 (1979).

Purpose of provision related to board of port wardens. — Purpose of section was to allow the wardens to regulate construction on waterways. *Mayor of Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383, 396 A.2d 1080 (1979).

Subsection (b)(23A) [now this section] merely set forth powers and affirmative standards for the exercise of those powers; and section did not

specifically prohibit the wardens from doing anything, nor could it prescribe exclusive means by which the wardens could make decisions. *Mayor of Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383, 396 A.2d 1080 (1979).

Board of port wardens. — Prior, similar section was meant to complement existing and future zoning laws. *Mears v. Town of Oxford*, 52 Md. App. 407, 449 A.2d 1165 (1982).

Provisions related to board of port wardens provides remedy where neither town statute nor zoning laws adequately cover water areas. — Where there is no comprehensive town statute regulating construction in municipal waters and the town’s zoning laws do not cover the water areas adequately, the remedy for this omission is provided by the Maryland General Assembly in (b)(23A) [now this section], enabling port towns to follow the example of Annapolis in preserving their unique and precious heritage. *Mears v. Town of Oxford*, 52 Md. App. 407, 449 A.2d 1165 (1982).

§ 5-209. Legislative authority — Health and welfare.

(a) *Scope of section.* — This section does not affect any public general law or public local law relating to health or the powers and duties of:

- (1) the Secretary of Health; or
- (2) a county board of health.

(b) *Establish board of health.* — A municipality may appoint a board of health and establish its powers and duties.

(c) *Quarantine and health hazards.* — A municipality may:

- (1) establish quarantine regulations;
- (2) authorize the removal or confinement of individuals having infectious or contagious diseases;
- (3) prevent and remove nuisances;
- (4) prevent the introduction of contagious diseases into the municipality; and

(5) regulate any place where noxious things are manufactured, offensive trades are conducted, or that may cause unsanitary conditions or conditions detrimental to health.

(d) *Trash disposal.* — A municipality may:

(1) regulate or prohibit the throwing or depositing of dirt, garbage, trash, or liquids in a public place; and

(2) provide for the proper disposal of these materials.

(e) *Cemeteries.* — A municipality may:

- (1) regulate the interment of bodies; and
- (2) control the location and establishment of cemeteries. (An. Code 1957, art. 23A, § 2(b)(6), (14), (15); 2013, ch. 119, § 2; 2017, ch. 214, § 7.)

REVISOR’S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(6), (14), and (15).

In the introductory language of subsection (a) of this section, the former phrase “in any manner” is deleted as surplusage.

In subsection (b) of this section, the reference to “establish[ing]” powers and duties is substituted for the former reference to “defin[ing] and regulat[ing]” powers and duties for brevity and consistency with other similar provisions of this article.

In subsection (c)(2) of this section, the reference to “individuals” is substituted for the for-

mer reference to “persons” because only a human being and not the other entities included in the definition of person can have an infectious or contagious disease.

In subsection (c)(5) of this section, the former references to regulating places manufacturing “soap [and] fertilizer” and “slaughterhouses [and] packing houses” are deleted as included in the reference to “any place where noxious things are manufactured [and] offensive trades are conducted”.

Defined terms:

“County”	§ 1-101
“Municipality”	§ 1-101

Editor’s note. — Section 7, ch. 214, Acts 2017, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor’s note following the section affected.” Pursuant to § 7, ch. 214, Acts 2017, “Secretary of Health” was substituted for “Secretary of Health and Mental Hygiene” in (a)(1).

University of Baltimore Law Review. — For note on ordinance requiring deposits on soft drink and beer containers as an exercise of municipal power, see 5 U. Balt. L. Rev. 373 (1976).

Mandatory container deposit ordinance. — While a city’s charter may not have specifically authorized a mandatory container deposit ordinance, the ordinance is expressly authorized by (b)(14). *Bowie Inn, Inc. v. City of Bowie*, 274 Md. 230, 335 A.2d 679 (1975).

Sale of cigarettes through vending machines preempted by General Assembly. — Although municipalities may require permits or licenses for regulatory purposes in the interest of the public health, safety or morals, this authority is subject to all applicable laws enacted by the General Assembly; thus, if the General Assembly has preempted a certain field, such as the sale of cigarettes through cigarette vending machines, it is irrefutable that municipalities have no authority to legislate in that field. *Allied Vending, Inc. v. City of Bowie*, 332 Md. 279, 631 A.2d 77 (1993).

In light of the comprehensive State licensing scheme for cigarette vending machines pro-

vided by former Art. 56, §§ 607 through 631 (now see § 16-201 et seq. of the Business Regulation Article), the sale of cigarettes through cigarette vending machines is one of those areas in which the General Assembly has acted with such force that an intent by the State to occupy the entire field must be implied; thus, a local municipality has no authority to legislate in that field, and any local or municipal ordinance in that area is constitutionally invalid. *Allied Vending, Inc. v. City of Bowie*, 332 Md. 279, 631 A.2d 77 (1993).

Offensive trades; regulation not prohibition. — The power to regulate places where offensive trades may be carried on or places which may cause unsanitary conditions is not a power to prohibit the keeping of animals except to the extent that the manner of their keeping may be within the scope of the general power to prevent or remove nuisances. *Town of Gaithersburg v. Dosh*, 201 Md. 291, 93 A.2d 747 (1953).

Zoning ordinance. — Agreement delegating to a city the power to enforce a county zoning ordinance was not ambiguous and did not limit the city’s power to require city-issued building permits and non-residential occupancy permits; a reservation of the county’s authority to issue county permits did not restrict the city from requiring its own permits, the agreement stated that the city retained the powers conferred upon it by law, and the city did not have to surrender its regulatory powers to accept the delegation. *City of College Park v. Precision Small Engines*, 233 Md. App. 74, 161 A.3d 728 (2017).

Memorandum of understanding (MOU) between a county and a city did not alter the city’s

authority, and the MOU permitted the city to require additional permits under its building code. The statutory power of the city to enact regulations was separate and distinct from the

power granted by the county in the MOU. *Precision Small Engines, Inc. v. City of College Park*, 457 Md. 573, 179 A.3d 1019 (2018).

§ 5-210. Legislative authority — Establishment of social services.

A municipality may provide for, maintain, and operate community and social services to preserve and promote the health, recreation, and welfare of the residents of the municipality. (An. Code 1957, art. 23A, § 2(b)(7); 2013, ch. 119, § 2.)

REVISOR’S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(7).

The reference to “residents” is substituted for the former reference to “inhabitants” for consistency with the terminology used throughout this article.

The former reference to the “enlightenment” of residents is deleted as included in the reference to the “welfare” of residents.

The former reference to actions taken “as the legislative body may determine” is deleted as implicit in the grant of authority to the municipality.

Defined term:
“Municipality” § 1-101

§ 5-211. Legislative authority — Building regulations.

(a) *Establish building codes.* — A municipality may adopt regulations regarding the erection of buildings and signs in the municipality, including:

- (1) a building code; and
- (2) requirements for building permits.

(b) *Inspection and repairs.* — A municipality may provide for the inspection of and require repairs to the following on private property:

- (1) drainage and sewage systems;
- (2) electric lines and wires;
- (3) gas pipes;
- (4) plumbing apparatus; and
- (5) water pipes. (An. Code 1957, art. 23A, § 2(b)(5), (16); 2013, ch. 119, § 2.)

REVISOR’S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(5) and (16).

In the introductory language of subsection (a) of this section, the former reference to “reason-

able” regulations is deleted as implicit in the grant of authority to adopt regulations.

Defined term:
“Municipality” § 1-101

Maintenance and repair of residential units. — Through Article XI-E of the Maryland Constitution and this article, the State has delegated to the cities the concurrent power to

regulate the maintenance and repair of residential units for the purpose of insuring the peace, health, safety, comfort, convenience and welfare of the residents and visitors to the

cities. 62 Op. Att’y Gen. 523 (1977).

Building permits. — Agreement delegating to a city the power to enforce a county zoning ordinance was not ambiguous and did not limit the city’s power to require city-issued building permits and non-residential occupancy permits; a reservation of the county’s authority to issue county permits did not restrict the city from requiring its own permits, the agreement stated that the city retained the powers conferred upon it by law, and the city did not have to surrender its regulatory powers to accept the

delegation. *City of College Park v. Precision Small Engines*, 233 Md. App. 74, 161 A.3d 728 (2017).

Memorandum of understanding (MOU) between a county and a city did not alter the city’s authority, and the MOU permitted the city to require additional permits under its building code. The statutory power of the city to enact regulations was separate and distinct from the power granted by the county in the MOU. *Precision Small Engines, Inc. v. City of College Park*, 457 Md. 573, 179 A.3d 1019 (2018).

§ 5-212. Legislative authority — State policy for regulation of development.

(a) *Local planning and zoning controls.* — It is the policy of the State that:

(1) the orderly development and use of land and structures requires comprehensive regulation through implementation of planning and zoning controls; and

(2) planning and zoning controls shall be implemented by local government.

(b) *Displacement of competition.* — (1) To achieve the public purposes of the policy set forth under subsection (a) of this section, the General Assembly recognizes that local government action will displace or limit economic competition by owners and users of property.

(2) It is the policy of the State that competition and enterprise shall be displaced or limited for the attainment of the purposes of the State policy for implementing planning and zoning controls as set forth in this article and elsewhere in public general law and public local law.

(c) *Construction of section.* — This section does not:

(1) grant to a municipality powers in any substantive area not otherwise granted to the municipality by other public general law or public local law;

(2) restrict a municipality from exercising any power otherwise granted to the municipality;

(3) authorize a municipality or its officers to engage in any activity that is otherwise beyond the power of the municipality or its officers; or

(4) preempt or supersede the regulatory authority of any State unit. (An. Code 1957, art. 23A, § 2(b)(36); 2013, ch. 119, § 2.)

REVISOR’S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(36).

In subsection (b)(1) of this section, the reference to “the policy set forth under subsection (a) of this section” is substituted for the former reference to “this regulatory scheme” for clarity.

In subsection (b)(2) of this section, the former reference to the policy of “the General Assembly” is deleted as included in the reference to the policy of “the State”.

In the introductory language of subsection (c) of this section, the phrase “[t]his section does not” is substituted for the former phrase “[t]he powers granted to the municipality pursuant to this [section] shall not be construed” for clarity and brevity.

In subsection (c)(2) of this section, the reference to powers “otherwise granted” to the municipality is substituted for the former reference to powers granted “by other public general or public local law or otherwise” for brevity.

Similarly, in subsection (c)(3) of this section, the reference to activity that is “otherwise” beyond the power of the municipality is substituted for the former reference to activity that is beyond the power of the municipality “under other public general law, public local law, or otherwise”.

In subsection (c)(4) of this section, the reference to a State “unit” is substituted for the former reference to a State “department or agency” for consistency with other similar pro-

visions of the Code. *See* General Revisor’s Note to article.

Also in subsection (c)(4) of this section, the former reference to the authority of any State unit “under any public general law” is deleted as surplusage.

Defined terms:

“Municipality”	§ 1-101
“State”	§ 1-101

Zoning. — Zoning is an exercise of governmental authority that generally falls squarely within the province of the political subdivisions of the State. *Md. Overpak Corp. v. Mayor of Baltimore*, 395 Md. 16, 909 A.2d 235 (2006).

Delegation of authority. — City of Laurel has the authority, by virtue of its police power, to enact a zoning ordinance in the interests of public safety; in furtherance of that mission, it may properly delegate to its planning commission the authority to determine whether a proposed building or use, due to its proposed location, would create a public safety hazard. *Southland Corp. 7-Eleven Stores v. Mayor of Laurel*, 75 Md. App. 375, 541 A.2d 653 (1988).

Delegation of the express enumerated powers is to the Aldermen of the City of Frederick. *River Walk Apts., LLC v. Twigg*, 396 Md. 527, 914 A.2d 770 (2007).

Municipality’s broadening of board of zoning appeals powers to grant variances not authorized. — Prior, similar section does not grant authority to municipalities to broaden the powers of boards of zoning appeals to grant variances. 75 Op. Att’y Gen. 360 (October 5, 1990).

Imposition of impact fees on new development. — Financing of beach restoration by imposition of impact fees on new development would probably violate the equal protection clause; however, the development of such a fund to be used for numerous capital improvements rather than exclusively for beach restoration would strengthen the defense against an equal protection challenge. 71 Op. Att’y Gen. 214 (1986).

When two mayors entered into contracts with a developer which waived impact fees previously approved by the city’s legislative body in exchange for a special assessment, the contracts were ultra vires and unenforceable because the mayors had no authority to enter into such agreements without the enactment of an

ordinance by the city’s legislative body, which was not obtained, because, under art. XI-E, § 5 of the Maryland Constitution and art. 14 of the Declaration of Rights, only the General Assembly could impose or, by implication, waive a fee, and it delegated this authority to the city’s legislative body in this section. *River Walk Apts., LLC v. Twigg*, 396 Md. 527, 914 A.2d 770 (2007).

Impact fees, imposed to raise revenue for a city, may be created only by legislative act and therefore, by implication, may be waived only by legislative act. *River Walk Apts., LLC v. Twigg*, 396 Md. 527, 914 A.2d 770 (2007).

Power to dispose of property held in governmental capacity. — Towns having charters without explicit authority to dispose of property held in a governmental capacity may obtain such authority through general legislation enacted by the General Assembly pursuant to Article XI-E, § 1, of the Maryland Constitution, or through amendment of the town charter under Article XI-E of the Maryland Constitution, and its implementing legislation. *McRobie v. Mayor of Westernport*, 260 Md. 464, 272 A.2d 655 (1971).

Retrospective application of rental dwelling license fees paid by landlords invalid. — Prior, similar sections may not be applied retrospectively to violate a municipal ordinance which unconstitutionally imposed fees paid by landlords. *Vytar Assocs. v. Mayor of Annapolis*, 301 Md. 558, 483 A.2d 1263 (1984).

Authority to enact regulations within flood hazard areas. — Municipalities (except those in Montgomery and Prince George’s counties) are not required to follow the provisions of the Land Use Article in enacting regulations for structures, utilities and streets within flood hazard areas because adequate authority exists in Article XI-E of the Maryland Constitution, and in this article to enable municipalities to enact regulations for these purposes. 60 Op. Att’y Gen. 573 (1975).

§ 5-213. Legislative authority — Zoning regulations.

A municipality may adopt zoning regulations, subject to any right of referendum of the voters at a regular or special election as may be provided by the municipal charter. (An. Code 1957, art. 23A, § 2(b)(30); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(30).

The reference to “any right of” referendum “as may be provided by the municipal charter” is added for clarity.

The former reference to “reasonable” regulations is deleted as implicit in the authority to adopt regulations.

The Local Government Article Review Committee notes, for consideration by the General

Assembly, that this section does not provide a grant of authority to a municipality to allow the municipality to exceed the powers granted to municipalities under the Land Use Article. See 75 Op. Att. Gen. 360 (1990).

Defined term:

“Municipality” § 1-101

University of Baltimore Law Review. — For an article, “Referenda in Maryland: The Need for Comprehensive Statutory Reform,” see 42 U. Balt. L. Rev. 655 (2013).

Delegation of authority. — City of Laurel has the authority, by virtue of its police power, to enact a zoning ordinance in the interests of public safety; in furtherance of that mission, it may properly delegate to its planning commission the authority to determine whether a proposed building or use, due to its proposed location, would create a public safety hazard. *Southland Corp. 7-Eleven Stores v. Mayor of Laurel*, 75 Md. App. 375, 541 A.2d 653 (1988).

First charter may provide prompt special election. — A first charter may provide for prompt special election of a first council and that the terms of the existing county commissioners of a county becoming a charter county are not unlawfully shortened by the transfer by the charter of their powers and duties to the council since “the commissioners hold their offices subject to the possibility that they may be ousted under the provisions of the Home Rule Amendment providing for the adoption of a charter.” *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

Amendment may provide for special election. — Amendment to municipal corporation charter may provide for special election for mayor and councilmen who are to serve until next regular election. *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

Citizens of municipal corporation may lawfully amend municipal charter even if such amendment results in shortening terms of mayor and councilmen of town. *Town of Glenarden v. Bromery*, 257 Md. 19, 262 A.2d 60 (1970).

Limitation on power of municipality. — There is an irreconcilable conflict between Article 66B, § 4.08 (a) [see now § 4-401 of the Land Use Article], a public general law which expressly permits a taxpayer to appeal from decisions of a board of appeals notwithstanding lack of aggrievement, and a municipal zoning ordinance which requires aggrievement; and insofar as the municipal ordinance limits the right of appeal to aggrieved taxpayers, it is inoperative. *Boulden v. Mayor of Elkton*, 311 Md. 411, 535 A.2d 477 (1988).

Municipality’s broadening of board of zoning appeals powers to grant variances not authorized. — Prior, similar section does not grant authority to municipalities to broaden the powers of boards of zoning appeals to grant variances. 75 Op. Att’y Gen. 360 (October 5, 1990).

Authority to enact regulations within flood hazard areas. — Municipalities (except those in Montgomery and Prince George’s counties) are not required to follow the provisions of the Land Use Article in enacting regulations for structures, utilities and streets within flood hazard areas because adequate authority exists in Article XI-E of the Maryland Constitution, and in this article to enable municipalities to enact regulations for these purposes. 60 Op. Att’y Gen. 573 (1975).

Zoning. — Zoning is an exercise of governmental authority that generally falls squarely within the province of the political subdivisions of the State. *Md. Overpak Corp. v. Mayor of Baltimore*, 395 Md. 16, 909 A.2d 235 (2006).

Scope of review of Planned Unit Development. — County agency’s approval of a Planned Unit Development (PUD) for a seven story mixed-use medical services building was

supported by substantial evidence and not contrary to law because the introduction and passage of the resolution approving the PUD were legislative actions, the motivations behind which were not subject to review for the appear-

ance of impropriety. *Kenwood Gardens Condos., Inc. v. Whalen Props., LLC*, 449 Md. 313, 144 A.3d 647 (2016).

Stated in *Waterman Family Ltd. P'ship v. Boomer*, 456 Md. 330, 173 A.3d 1069 (2017).

§ 5-214. Legislative authority — Commercial and industrial development.

(a) *Funding; restrictions.* — Section 18-301 of this article applies to the use of federal or State financial assistance for commercial or industrial redevelopment projects.

(b) *Commercial district management authority.* — (1) In this subsection, “authority” means a commercial district management authority.

(2) A municipality may establish an authority for any commercial district in the municipality.

(3) For each authority established, a municipality shall:

(i) specify the membership, organization, jurisdiction, and geographical limits of the authority;

(ii) provide financing for the authority through fees that may be charged to, or taxes that may be imposed against, any business subject to the authority’s jurisdiction; and

(iii) specify the purposes of the authority, including:

1. promotion;

2. marketing; or

3. the provision of security, maintenance, or amenities in the district.

(4) An authority may not:

(i) exercise the power of eminent domain;

(ii) purchase, sell, construct, or lease, as lessor, office or retail space; or

(iii) except as otherwise authorized by law, engage in competition with the private sector.

(5) Any fee or tax imposed under this subsection shall be used only for the purposes stated in this subsection and may not revert to the general fund of the municipality. (An. Code 1957, art. 23A, § 2(b)(35); 2013, ch. 119, § 2.)

REVISOR’S NOTE

Subsection (a) of this section is new language added to provide a cross-reference to § 18-301 of this article.

Subsection (b) of this section is new language derived without substantive change from former Art. 23A, § 2(b)(35).

In subsection (b) of this section, the term “municipality” is substituted for the former references to “its geographical limits” and “legislative body” for clarity and consistency with the terminology used throughout this subtitle.

In subsection (b)(1) of this section, the definition of “authority” is added to avoid repetition

of the full reference to a “commercial district management authority”.

In subsection (b)(2) of this section, the former phrase “[i]n accordance with the provisions of this paragraph” is deleted as surplusage. Similarly, in the introductory language of subsection (b)(4) of this section, the former reference to “[a]n authority established pursuant to this paragraph” is deleted.

In subsection (b)(3)(ii) of this section, the former reference to the legislative body providing financing “as it deems appropriate” is deleted as surplusage.

In subsection (b)(4)(ii) of this section, the reference to leasing as “lessor” is substituted for the former reference to leasing “as a landlord” for consistency with other similar provisions of the Code.

Defined terms:
 “Municipality”
 “State”

§ 1-101
 § 1-101

§ 5-215. Legislative authority — Urban renewal authority.

(a) *Scope of section.* — This section applies only to a municipality that has urban renewal authority granted under Article III, § 61 of the Maryland Constitution.

(b) *Acquisition of property by municipality.* — Subject to subsection (e) of this section, a municipality may:

(1) acquire property of any kind in the municipality, including any right, interest, franchise, easement, or privilege attached to the property, by purchase, lease, gift, condemnation, or any other legal means for development or redevelopment of the property, including comprehensive renovation or rehabilitation; and

(2) sell, lease, convey, transfer, or otherwise dispose of any property acquired under item (1) of this subsection, to any person or public or quasi-public entity:

(i) whether or not the property has been developed, redeveloped, altered, or improved; and

(ii) regardless of how the property was acquired.

(c) *Compensation for property acquired by eminent domain.* — (1) A municipality shall provide just compensation to the owner of any property acquired by the municipality under subsection (b) of this section if the property is taken by eminent domain.

(2) The amount of compensation paid to an owner under paragraph (1) of this subsection shall be determined by:

(i) an agreement by the parties to the transaction; or

(ii) a jury award.

(3) A municipality shall pay the amount of compensation determined under paragraph (2) of this subsection to the owner before taking the property.

(d) *Property needed or taken for public use or benefit.* — Any property needed, or taken by eminent domain, by a municipality for the purposes in subsection (b) of this section or in connection with the exercise of any power of a municipality under this section is considered to be needed or taken for a public use or benefit.

(e) *Determination of condition of property to be acquired.* — Before acquiring a single-family or multifamily dwelling unit or other structure under this section, a municipality shall find that:

(1) the dwelling unit or structure has deteriorated to an extent that constitutes a serious and growing menace to the public health, safety, and welfare;

(2) the dwelling unit or structure is likely to continue to deteriorate;

(3) the continued deterioration of the dwelling unit or structure will contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit or structure; and

(4) the owner of the dwelling unit or structure has not corrected the deterioration.

(f) *Adoption of ordinance to acquire property.* — The legislative body of a municipality shall adopt an ordinance for each acquisition of property made under this section. (An. Code 1957, art. 23A, § 2(b)(37); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(37).

In this section, the former references to “land” are deleted as included in the references to “property”.

In subsection (a) of this section, the former phrase “[i]n addition to the authority provided elsewhere in this subsection” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to “the boundary lines of” the municipality is deleted as surplusage.

In subsection (b)(2) of this section, the former references to a “private” entity, “corporation”, “partnership”, and “association” are deleted as included in the reference to a “person”.

Also in subsection (b)(2) of this section, the former reference to a “legal” entity is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the “owner of any property acquired by the municipality” is substituted for the former reference to the “party entitled to such compensation” for clarity.

Also in subsection (c)(1) of this section, the former reference to property taken by “exercising the power of” eminent domain is deleted as surplusage. Similarly, in subsection (d) of this section, the former reference to property taken by “the exercise of the power of” eminent domain is deleted.

Also in subsection (c)(1) of this section, the reference to property acquired “under subsection (b) of this section” is substituted for the former reference to property acquired “for any of the aforementioned purposes or in connection with the exercise of any of the powers which may be granted to a municipal corporation pursuant to this paragraph” for brevity.

In subsection (c)(2)(i) of this section, the reference to parties “to the transaction” is added for clarity.

In subsection (c)(3) of this section, the former reference to a municipality “tender[ing]” compensation is deleted as included in the reference to “pay[ing]” compensation.

In subsection (d) of this section, the reference to the “purposes in subsection (b) of this section” is substituted for the former reference to the “aforementioned purposes” for clarity.

In the introductory language of subsection (e) of this section, the former reference to making a “determination” is deleted as included in the reference to making a “find[ing]”.

In subsection (e)(2) of this section, the former reference to the dwelling unit continuing to deteriorate “unless corrected” is deleted as implicit in the reference to continued deterioration.

Defined terms:

“Municipality”	§ 1-101
“Person”	§ 1-101

Acquiring property by condemnation. — Although the owner’s property was not located in a slum area or blighted area, the City was permitted to acquire the property under an ordinance passed pursuant to (b)(37), as (b)(37) used language that provided for the acquisition of individual blighted properties without any condition that the specific property had to be located in a slum area or blighted area; furthermore, (b)(37) did not encompass a municipality’s ability to condemn slum areas or blighted areas, as it presumed that the municipality had already been granted such authority under art. III, § 61 of the Maryland Constitution. *City of Frederick v. Pickett*, 392 Md. 411, 897 A.2d 228 (2006).

Where the property owner argued that the board of aldermen lacked the authority to pass an ordinance condemning the owner’s blighted

property because the mayor, as of that time, had not signed the enabling ordinance, the argument failed, as (b)(37) did not require an enabling ordinance. *City of Frederick v. Pickett*, 392 Md. 411, 897 A.2d 228 (2006).

Maintenance and repair of residential units. — Through Article XI-E of the Maryland Constitution and this article, the State has delegated to the cities the concurrent power to regulate the maintenance and repair of residential units for the purpose of insuring the peace, health, safety, comfort, convenience and welfare of the residents and visitors to the cities. 62 Op. Att’y Gen. 523 (1977).

Power to purchase property outside corporate limits implied. — Municipal corporations possess implied power to purchase property outside their corporate limits whenever that power is necessary for the exercise of an

express grant of power. *Birge v. Town of Easton*, 274 Md. 635, 337 A.2d 435 (1975).

Land within the corporate limits of the municipality may not be suitable or sufficient for the exercise of express powers; thus, rather than limit the exercise of an express grant of power, the power to purchase extraterritorial property, if reasonably necessary for the exercise of an express power, is implied. *Birge v. Town of Easton*, 274 Md. 635, 337 A.2d 435 (1975).

Power to dispose of property held in governmental capacity. — Towns having charters without explicit authority to dispose of property held in a governmental capacity may obtain such authority through general legislation enacted by the General Assembly pursuant to Article XI-E, § 1, of the Maryland Constitution, or through amendment of the town charter under Article XI-E of the Maryland Constitution, and its implementing legislation. *McRobie v. Mayor of Westernport*, 260 Md. 464, 272 A.2d 655 (1971).

Regulation of unsafe, etc., structures. — This section gave constitutional right to municipality to enact reasonable regulations for re-

pair or removal of structures dangerous to life or health. *Burns v. Mayor of Midland*, 247 Md. 548, 234 A.2d 162 (1967).

Although the owner's property was not located in a slum area or blighted area, the City was permitted to acquire the property under an ordinance used language that provided for the acquisition of individual blighted properties without any condition that the specific property had to be located in a slum area or blighted area; furthermore, the prior, similar section did not encompass a municipality's ability to condemn slum areas or blighted areas, as it presumed that the municipality had already been granted such authority under art. III, § 61 of the Maryland Constitution. *City of Frederick v. Pickett*, 392 Md. 411, 897 A.2d 228 (2006).

Where the property owner argued that the board of aldermen lacked the authority to pass an ordinance condemning the owner's blighted property because the mayor, as of that time, had not signed the enabling ordinance, the argument failed, as (b)(37) did not require an enabling ordinance. *City of Frederick v. Pickett*, 392 Md. 411, 897 A.2d 228 (2006).

§ 5-216. Legislative authority — Community services.

(a) *Establishing recreational facilities and parks.* — A municipality may establish and maintain any park, garden, playground, or recreational facility that the municipality determines is for the benefit of the health and welfare of the municipality and its residents.

(b) *Regulation of property for specific purposes.* — (1) Subject to paragraph (2) of this subsection, a municipality may acquire by gift, grant, bequest, or devise and hold property absolutely or in trust for:

- (i) parks or gardens;
- (ii) the erection of statues, monuments, buildings, or structures; or
- (iii) any public use.

(2) The municipality shall acquire, hold, or use property under this subsection on the terms and conditions required by the grantor or donor and accepted by the municipality.

(3) The municipality shall provide for the administration of any property accepted by the municipality under this subsection.

(4) Subject to the terms and conditions of the original grant, the municipality may convey any property accepted by the municipality under this subsection if the municipality determines that the property is no longer needed for public purposes.

(c) *Establish municipal band or musical organization.* — A municipality may establish, maintain, and support a municipal band or musical organization. (An. Code 1957, art. 23A, § 2(b)(4), (20), (24); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(4), (20), and the second sentence of (24).

In subsections (a) and (b)(4) of this section, the references to the “municipality” are substituted for the former references to the “legislative body” for consistency with the terminology used throughout this subtitle.

Also in subsection (a) of this section, the reference to “residents” of the municipality is substituted for the former reference to “inhabitants” of the municipality for consistency with the terminology used throughout this article.

In subsection (b)(1) of this section, the former reference to “real and personal” property is deleted as surplusage.

In subsection (b)(3) and (4) of this section, the references to “any property accepted by the municipality under this subsection” are substituted for the former references to “the same” for clarity.

In subsection (b)(3) of this section, the former reference to the “proper” administration of property is deleted as surplusage.

Defined term:

“Municipality”

§ 1-101

Authority not delegable. — The city of Salisbury could not delegate authority to offer exclusive concessions contracts and to sublease public park land to its Zoo Commission. Andy’s

Ice Cream, Inc. v. City of Salisbury, 125 Md. App. 125, 724 A.2d 717 (1999), cert. denied, 353 Md. 473, 727 A.2d 382 (1999).

§ 5-217. Legislative authority — Cleaning of sidewalks.

A municipality may require the owners of property to keep the sidewalks on the property clean and free from snow, ice, or other obstructions. (An. Code 1957, art. 23A, § 2(b)(28); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(28).

Defined term:

“Municipality”

§ 1-101

§ 5-218. Powers include power and authority in General Provisions Article.

The express powers contained in this subtitle are intended to and shall be deemed to incorporate and include the power and authority contained in Title 5, Subtitle 8, Part II of the General Provisions Article. (2014, ch. 104, § 2.)

Editor’s note. — Section 3, ch. 104, Acts 2014, provides that the act shall take effect October 1, 2014.

DIVISION III.

COUNTIES.

TITLE 12.

OTHER POWERS OF COUNTIES — GENERALLY.

Subtitle 5. Public Roads.

Part I. Public Roads Generally.

§ 12-504. Control of roads, parking, and sidewalks.

(a) *Scope of section.* — This section applies to all counties, except Baltimore City.

(b) *Applicability of section.* — This section does not apply to a public road in a municipality.

(c) *Control of roads.* — The governing body of a county:

(1) may open, alter, or close a county road;

(2) has control over and may adopt rules and regulations for work on county roads; and

(3) may pay the cost of work on county roads.

(d) *Parking and sidewalks.* — (1) The governing body of a county may regulate, by resolution:

(i) vehicle parking on county roads; and

(ii) the construction, maintenance, repair, and cleaning of sidewalks.

(2) A county shall provide for public notice of the regulations on vehicle parking.

(e) *Penalty.* — (1) Except as provided in paragraph (2) of this subsection, a person who violates a resolution adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(2) In Calvert County, a person who violates a resolution adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500. (An. Code 1957, art. 25, §§ 2(a), (b), 25(a); 2013, ch. 119, § 2.)

REVISOR'S NOTE

Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 25, § 25(a) and § 2(b) and, as it related to control of roads, parking, and sidewalks, (a).

In subsection (c)(1) of this section, the reference to a “county road” is substituted for the former reference to any “public road or roads in their respective counties” for consistency and brevity.

In subsection (c)(2) of this section, the reference to “work on county roads” is substituted for the former reference to “repairing, cleaning, mending and perfecting the same” for brevity.

In subsection (c)(3) of this section, the reference to “work on county roads” is substituted for the former reference to “the same” for clarity and consistency.

Also in subsection (c)(3) of this section, the former phrase “as they may deem necessary” is deleted as surplusage.

In subsection (d)(1)(i) of this section, the reference to “county roads” is substituted for the former reference to “public highways” for consistency within this section.

In subsection (d)(2) of this section, the reference to a requirement to “provide for public notice of the regulations on vehicle parking” is substituted for the former reference to the requirement that “appropriate notice thereof [be] given to the public by posting or otherwise” for brevity.

In subsection (e) of this section, the references to a “resolution” are substituted for the

former references to a “regulation” for consistency with subsection (d) of this section.

Also in subsection (e) of this section, the former references to fines being imposed “for any such violation” are deleted as surplusage.

Former Art. 25, § 2(a), as it related to the construction or establishment of trailer camps, is revised in § 13-202 of this article.

Defined terms:

“County”	§ 1-101
“Governing body”	§ 1-101
“Municipality”	§ 1-101
“Person”	§ 1-101
“Road”	§ 12-501

Commissioners’ jurisdiction once attached is exclusive. — County commissioners are given jurisdiction over the public roads in the respective counties and the prior, similar section conferred upon them power to alter, open, or close any such roads. This jurisdiction when it has once properly attached is exclusive. *Jenkins v. Riggs*, 100 Md. 427, 59 A. 758 (1905).

Errors or irregularities by commissioners do not give rise to equitable relief. — Where county commissioners act within their jurisdiction in opening and closing roads, mere errors or irregularities in their procedure are reviewable only upon appeal to the circuit court

and do not give rise to relief in equity. *Jenkins v. Riggs*, 100 Md. 427, 59 A. 758 (1905).

Agreement to close road. — An agreement with a private individual that, upon his opening two new roads and their being graded and bridged to the satisfaction of the roads engineer and deeded to the county commissioners, an existing road through his property would be closed, was upheld. *Riggs v. Winterode*, 100 Md. 439, 59 A. 762 (1905).

“Public road.” — For present provisions concerning what is a “public road,” see *State v. Price*, 21 Md. 448 (1864).

§ 12-508. Fire hydrants.

(a) *Scope of section.* — This section applies to all counties, except Baltimore City.

(b) *Applicability of section.* — This section does not apply to fire hydrants in a municipality.

(c) *In general.* — The governing body of a county may, by resolution, regulate the location and construction of fire hydrants.

(d) *Penalty.* — (1) Except as provided in paragraph (2) of this subsection, a person who violates a resolution adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(2) In Calvert County, a person who violates a resolution adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500. (An. Code 1957, art. 25, § 2; 2013, ch. 119, § 2.)

REVISOR’S NOTE

Subsection (a) of this section is new language added to clarify the scope of this section. Former Article 25A, § 4(a) and Article 25B, § 13 made the powers granted in Article 25 applicable to charter counties and code counties in addition to commission counties. There is no

similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 25, § 2, as it related to the regulation of fire hydrants.

In subsection (d) of this section, the former references to fines being imposed “for any such violation” are deleted as surplusage.

Also in subsection (d) of this section, the references to a “resolution” are substituted for the former references to a “regulation” for consistency with subsection (c) of this section.

Defined terms:

“County”	§ 1-101
“Governing body”	§ 1-101
“Municipality”	§ 1-101
“Person”	§ 1-101

Part III. Specific County Provisions.

§ 12-530. Regulation of grading, building, improving, maintaining, and repairing of roads in Calvert County.

(a) *Scope of section.* — This section does not apply to a privately owned road in Calvert County that was constructed on or before September 30, 2011.

(b) *In general.* — By ordinance, the County Commissioners of Calvert County may:

(1) regulate the grading, constructing, improving, maintaining, and repairing of county roads and new roads intended for future public use, including roads proposed for any subdivision approved by the Calvert County Planning Commission, whether recorded or proposed, including sidewalks, curbs, gutters, driveway entrances, storm drainage facilities, and appurtenances to be located in the subdivision;

(2) establish standards for utility cuts in and across county rights-of-way;

(3) regulate access to county-owned roads;

(4) establish minimum standards to which a new road in a subdivision in Calvert County must be constructed before the issuance of a building permit for a lot served by the road;

(5) regulate the engineering and constructing of any new public road, bridge, sidewalk, curb, gutter, and storm drainage facility proposed for acceptance into the county roads system;

(6) regulate the acceptance of any new public road, bridge, sidewalk, curb, gutter, and storm drainage facility into the county roads system;

(7) establish fees to defray the cost of reviewing plans and performing inspections for the construction of roads and for utility cuts in accordance with an ordinance enacted under this section; and

(8) provide for a civil penalty for violation of an ordinance enacted under this section.

(c) *Enforcement.* — A violation of an ordinance enacted under this section shall be enforced in the same manner and to the same extent as provided for municipal infractions under §§ 6-108 through 6-115 of this article.

(d) *Other remedies.* — In addition to any remedies provided for under an ordinance enacted under this section, the County Commissioners of Calvert County may seek other remedies provided by law. (An. Code 1957, art. 25, § 11; 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 25, § 11. **Defined term:** "Road"

§ 12-526

*Subtitle 8. Public Safety.***§ 12-806. Alarm systems in Calvert, Frederick, and Washington counties.**

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) "Alarm system contractor" means a person who installs, maintains, monitors, alters, or services an alarm system.

(3) (i) "Alarm user" means a person in control of an alarm system in, on, or around any building, structure, facility, or site.

(ii) "Alarm user" includes the owner or lessee of an alarm system.

(4) (i) "False alarm" means any request for immediate assistance by a law enforcement agency or fire department or, in Washington County, an emergency services agency, regardless of cause, that is not in response to an actual emergency situation or threatened or suggested criminal activity.

(ii) "False alarm" includes:

1. a negligently or accidentally activated signal;
2. a signal that is the result of faulty, malfunctioning, or improperly installed or maintained equipment;

3. a signal that is purposely activated to summon a law enforcement agency or fire department or, in Washington County, an emergency services agency, in a nonemergency situation;

4. the second and any later signal from an alarm system that is activated two or more times in a 12-hour period when the premises are unoccupied if access to the building is provided to an alarm system contractor and an alarm system contractor responds; and

5. the third or any later signal from an alarm system that is activated two or more times in a 12-hour period when the premises are unoccupied if access to the building is not provided to an alarm system contractor and an alarm system contractor does not respond.

(iii) "False alarm" does not include:

1. a signal activated by unusually severe weather conditions or other causes beyond the control of the alarm user or alarm system contractor; or

2. a signal activated during the initial 60-day period following new installation.

(b) *Scope of section.* — This section applies only to Calvert County, Frederick County, and Washington County.

(c) *Regulations.* — (1) The governing body of a county may adopt regulations to:

(i) register alarm system contractors operating in the county;

(ii) register alarm users in the county;

(iii) provide penalties for failure to register as an alarm system contractor or alarm user;

(iv) provide civil citations and penalties for false alarms, notwithstanding Title 9, Subtitle 6, Part II of the Criminal Law Article;

(v) provide exemptions from the issuance of civil citations and penalties for false alarms;

(vi) authorize the designated county enforcement agency to maintain a record of the alarm system contractor, monitoring service, and manufacturer of each security system in operation in the county; and

(vii) authorize the designated county enforcement agency, if it finds a pattern of false alarms attributed to a particular manufacturer’s model or to installation by a particular alarm system contractor, to inform:

1. the manufacturer of the model or the alarm system contractor that installed the alarm system; and

2. the appropriate State or national licensing agency or the certification standards entity.

(2) The County Commissioners of Washington County may adopt regulations to establish fees for registering an alarm system contractor or alarm user. (An. Code 1957, art. 25, §§ 221A, 236D, 236E; 2013, ch. 119, § 2; 2014, ch. 645; 2018, chs. 462, 463, 477, 478.)

REVISOR’S NOTE

Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 25, §§ 221A, 236D, and 236E.

Subsection (b) of this section is new language added to clarify the scope of this section.

In subsection (a)(2) of this section, the former reference to “an agency that provides the services of a person engaged in installing, maintaining, monitoring, altering, or servicing an alarm system” is deleted as unnecessary in light of the definition of the term “person” in § 1-101 of this article which includes human beings, corporations, and other entities.

The Local Government Article Review Committee notes, for consideration by the General

Assembly, that the fact that only the County Commissioners of Washington County are given explicit authority to adopt fees may imply that the county commissioners of Calvert County and Frederick County do not have the authority to adopt fees. The General Assembly may wish to expand the authority in subsection (c)(2) of this section explicitly to include Calvert County and Frederick County.

Defined term:

“State” § 1-101

Effect of amendments. — Chapter 645, Acts 2014, effective December 1, 2014, substituted “governing body of a county” for “county commissioners” in the introductory language of (c)(1).

Chapters 462, and 463, Acts 2018, effective October 1, 2018, made identical changes. Each reenacted (a)(1) through (a)(3) without change.

Chapters 477 and 478, Acts 2018, effective October 1, 2018, made identical changes. Each reenacted (a)(1) through (a)(3) without change.

Bill review letter. — Chapter 645, Acts 2014, (House Bill 1205) was approved for constitutionality and legal sufficiency despite minor issues with the bill that can be corrected in next year’s corrective bill. (Letter of the Attorney General dated April 15, 2014.)

*Subtitle 9. Miscellaneous.***§ 12-903. Bounties for killing wild animals and birds.**

(a) *Scope of section.* — This section applies to all counties, except Baltimore City.

(b) *Regulations to establish bounties.* — The governing body of a county may adopt rules and regulations to establish and provide for payment of bounties for the killing of:

- (1) crows;
- (2) foxes;
- (3) hawks;
- (4) minks;
- (5) owls;
- (6) wildcats; and
- (7) other similar destructive and harmful wild animals or birds.

(c) *Penalty.* — (1) Except as provided in paragraph (2) of this subsection, a person who violates a regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(2) In Calvert County, a person who violates a regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500. (An. Code 1957, art. 25, § 2(a), (b); 2013, ch. 119, § 2.)

REVISOR'S NOTE

Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Art. 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 2(b) and, as it related to establishing bounties for killing wild animals and birds, (a).

In the introductory language of subsection (b) of this section, the reference to “establish[ing] and provid[ing] for payment of” bounties is substituted for the former reference to “allowing and paying” bounties for clarity.

In subsection (c) of this section, the former references to fines being imposed “for any such violation” are deleted as surplusage.

Defined terms:

“County”	§ 1-101
“Governing body”	§ 1-101
“Person”	§ 1-101

TITLE 13.

OTHER POWERS OF COUNTIES — REGULATORY.

*Subtitle 2. Tourism and Entertainment.***§ 13-202. Trailer camps.**

(a) *Scope of section.* — This section applies to all counties except Baltimore City.

(b) *In general.* — The governing body of a county may, by resolution, regulate the construction or establishment of trailer camps.

(c) *Penalty.* — (1) Except as provided in paragraph (2) of this subsection, a person who violates a regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

(2) In Calvert County, a person who violates a regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500. (An. Code 1957, art. 25, § 2(a), (b); 2013, ch. 119, § 2.)

REVISOR'S NOTE

Subsection (a) of this section is new language added to clarify the scope of this section. Former Art. 25A, § 4(a) and Art. 25B, § 13 made the powers granted in Article 25 applicable to charter counties and code counties in addition to commission counties. There is no similar grant of power for Baltimore City in the Annotated Code.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 25, § 2(b), and, as it related to

the regulation of the construction or establishment of trailer camps, (a).

In subsection (c) of this section, the former references to fines being imposed “for any such violation” are deleted as surplusage.

Defined terms:

“County”	§ 1-101
“Governing body”	§ 1-101
“Person”	§ 1-101

No authority to appeal. — No authority for appeal to the circuit court appears in the enabling legislation for subdivision control or creation of a planning commission, or for the control of trailer parks by county commissioners, and provision for such appeal in county subdivision regulations was determined to be ineffective. *Urbana Civic Ass’n v. Urbana Mobile Village, Inc.*, 260 Md. 458, 272 A.2d 628 (1971).

Power to adopt a licensing fee scheme for recreational vehicle parks. — While the predecessor to § 13-203 of this subtitle granted county commissioners generally the power to license the operation of trailers and tourist camps, Cecil County was specifically excepted from the specific grant of power to do so. *Board of County Comm’rs v. R & M Enters., Inc.*, 350 Md. 540, 714 A.2d 182 (1998).

DIVISION IV.

LOCAL FINANCE.

TITLE 18.

LOCAL ECONOMIC DEVELOPMENT.

Subtitle 3. Commercial or Industrial Development Projects.

§ 18-301. Commercial or industrial development.

(a) *In general.* — Subject to subsection (b) of this section, a political subdivision may use federal or State financial assistance for commercial or industrial redevelopment projects to make grants or loans, or to guarantee loans, to private entities.

(b) *Limitations.* — The authority granted under this section:

(1) may be used only for commercial or industrial redevelopment projects; and

(2) may not be used for a residential or housing project. (An. Code 1957, art. 23A, § 2(b) (intro. lang.), (b)(31), art. 25, § 3(kk), art. 25A, § 5 (intro. lang.), (DD); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 2(b)(31) and the introductory language of (b), Art. 25, § 3(kk), and Art. 25A, § 5(DD) and the introductory language of § 5.

In subsection (a) of this section, the former phrase "including the counties excepted in subsection (a) of this section" is deleted as unnecessary in light of the reorganization of this revised article.

Also in subsection (a) of this section, the former reference to financial assistance "available" for redevelopment projects is deleted as surplusage.

Defined term:

"State"

§ 1-101

NATURAL RESOURCES.

Title 5.

Forests and Parks.

Subtitle 7. Fire Hazards; Prevention and Abatement.

Part I. In General.

Sec.

- 5-701. Duties of forest and park wardens generally; duties of wardens as to extinguishing fires.
- 5-702. Expenses of extinguishing fires.
- 5-703. Notices as to forest fires and trespass laws.
- 5-704. Maliciously or negligently setting fires; duty to report fire.
- 5-705. Civil liability for causing fires.
- 5-706. State's Attorneys to enforce provisions of Part I of subtitle.

Part II. Duties of Railroads.

- 5-707. Duty to clear and maintain safety strips.
- 5-708. Right of entry.
- 5-709. Duty of landowners to clear safety strip.
- 5-710. Duties of persons owning property abutting railroad tracks.
- 5-711. Engine or boiler to be provided with appliances to prevent fire.

Sec.

- 5-712. Compliance not bar to recovery of damage.
- 5-713. Inconsistent laws repealed.
- 5-714. Penalty.

Part III. Forest Fire Prevention.

- 5-720. Open air burning; limitations.

Subtitle 9A. Rural Legacy Program.

- 5-9A-05. Applications for designation of Rural Legacy Area; requirements and restrictions on easements and other rights.

Title 8.

Waters.

Subtitle 7. State Boat Act.

- 8-707. Waterway Improvement Fund — Established; purposes; appropriations; reports.
- 8-712. Numbering vessels; owner's certificate of number.
- 8-716. Certificate of title — Fees; excise tax.
- 8-727.1. Use of flashing red and yellow lights or signal devices; emergency vessels.

Editor's note. — Many of the cases appearing in the notes to this article were decided under former statutes. These earlier cases have

been retained under pertinent sections of this article where it is thought that such cases will be of value in interpreting the present statutes.

TITLE 5.

FORESTS AND PARKS.

Subtitle 7. Fire Hazards; Prevention and Abatement.

Part I. In General.

§ 5-701. Duties of forest and park wardens generally; duties of wardens as to extinguishing fires.

(a) *Enforcement.* — A forest or park warden shall enforce every forest and park law, rule, and regulation of the State and protect State forest reserves, State parks, scenic preserves, parkways, historic monuments, and recreational areas.

(b) *Reporting.* — The forest or park warden shall report any violation of law to the Secretary as soon as possible, assist in apprehending and convicting offenders, and make an annual report to the Secretary on forest conditions in the forest or park warden's immediate neighborhood.

(c) *Extinguishing fires.* — If any forest or park warden sees a forest fire, or is requested by a fire company to assist with a fire plow or provide incident command expertise at the scene, the forest or park warden shall:

(1) Go immediately to the fire and employ those persons and means as the forest or park warden deems necessary to extinguish the fire;

(2) Keep an itemized account of all expenses thus incurred and send the account immediately to the Secretary;

(3) Control and direct any person and apparatus engaged in extinguishing forest fires;

(4) Summon inhabitants of the county over the age of 18 years, if able, to assist in extinguishing fires, and also require use of personal property needed for this purpose; and

(5) Use the members of the Junior Forest Fire Fighters Service between the ages of 14 and 18 years inclusive, either paid or unpaid, provided they have the written consent of their parents or guardians.

(d) *Penalties.* — Any person summoned who is physically able, but who refuses or neglects to assist, or allow the use of man power, equipment, or other material required, is liable to a penalty of \$10.

(e) *Trespassing.* — An action for trespass may not lie against a forest or park warden or anyone working under the forest or park warden's direction, for entering on any person's land to extinguish a fire, plow furrows, tear down fences, or start a back fire to check a fire that may be approaching. (An. Code 1957, art. 66C, § 348; 1973, 1st Sp. Sess., ch. 4, § 1; 2008, chs. 230, 231.)

§ 5-702. Expenses of extinguishing fires.

Expenses incurred in fighting or extinguishing any fire under the direction of the Secretary or a forest warden are equally borne by the county in which the fire occurred and by the State. The county shall pay them in full upon receipt of an itemized account, with vouchers approved by the Secretary. The State's share shall be refunded by the Department out of any money standing to the credit of the State Forest and Park Fund, upon presentation of the accounts, together with evidence that the county has paid the sum in full. Nothing in this subtitle relieves the owner or lessee of lands upon which fires may burn, or be started, from the duty of extinguishing the fires so far as may lie within his power. An owner or lessee, or his employee may not receive any compensation from the State or county for fighting fires upon his or his employer's lands. (An. Code 1957, art. 66C, § 349; 1973, 1st Sp. Sess., ch. 4, § 1.)

§ 5-703. Notices as to forest fires and trespass laws.

The Secretary shall furnish notices, printed in large letters, calling attention to the dangers of forest fires, and to forest fire and trespass laws, and their penalties. The Secretary shall distribute the notices to forest wardens who shall post them in conspicuous places on State forest reserves and along highways in forest-covered country. It is unlawful for any person to tear down or deface any forest fire warning notice. (An. Code 1957, art. 66C, § 351; 1973, 1st Sp. Sess., ch. 4, § 1.)

§ 5-704. Maliciously or negligently setting fires; duty to report fire.

(a) *Maliciously setting fires.* — Any individual or corporation that willfully, maliciously, or with intent, sets on fire, or causes to be set on fire, any woods, brush, grass, grain, or stubble is guilty of a misdemeanor and upon conviction is subject to a fine not less than \$250 nor exceeding \$2,000, or imprisonment for not less than 30 days nor exceeding five years, or both with costs imposed in the discretion of the court.

(b) *Negligently setting fires.* — An individual or corporation may not carelessly or negligently set on fire, or cause to be set on fire any woods, brush, grass, grain, or stubble. Setting a fire contrary to the provisions of this subsection is prima facie proof of carelessness or neglect within the meaning of this subsection. The landowner from whose land the fire originated also is liable in a civil action for damages for injury resulting from the fire, and for the cost of fighting and extinguishing the fire, unless the landowner can prove to the satisfaction of the court before which the case is tried that the injury complained of was suffered without any negligence on the part of the owner or the owner's agents.

(c) *Duty to extinguish or report uncontrolled forest or brush fire.* — Any person who discovers a forest or brush fire not under the control of some person shall extinguish it or report it to the local fire warden.

(d) *Section not to contravene other provisions of law concerning liability for fires.* — The provisions of this section do not contravene other provisions of law relating to the liability for fires of railroad companies. (An. Code 1957, art. 66C, §§ 351-353; 1973, 1st Sp. Sess., ch. 4, § 1; 2013, ch. 384, § 3.)

Burning trees in strong wind. — Defendant held liable for damages for destruction of barn from fire caused by burning trees with strong wind blowing, as defendant was under

necessity to exercise ordinary care. *Lewis v. Rassa*, Daily Record, March 19, 1943, (Cir. Ct. of Baltimore County).

§ 5-705. Civil liability for causing fires.

Any person who causes any fire by violating § 5-704(a) or (b) or § 5-712 of this subtitle is liable to the State and county where the fire occurs in an action for debt to the full amount of all expenses incurred by the State or county in fighting and extinguishing the fire. (An. Code 1957, art. 66C, § 355; 1973, 1st Sp. Sess., ch. 4, § 1; 1990, ch. 6, § 2.)

§ 5-706. State's Attorneys to enforce provisions of Part I of subtitle.

The State's Attorneys of the several counties shall prosecute any violator of Part I of this subtitle. (An. Code 1957, art. 66C, § 356; 1973, 1st Sp. Sess., ch. 4, § 1.)

Part II. Duties of Railroads.

§ 5-707. Duty to clear and maintain safety strips.

(a) *In general.* — Between October 1 and April 15, every person who operates a railroad in the State shall establish a means to prevent a forest fire along the parts of its tracks adjacent to which the Department finds a fire hazard exists or probably may be caused by failure to take precautions. If the Department believes other precautionary means are insufficient, the person shall clear a safety strip of a width not exceeding 100 feet, as the Department determines, measured horizontally from the outer rail. The safety strip shall be cleared by removing all dead wood, fallen leaves, withered grass, and other flammable material, except fences, buildings, and manufactured products, from the ground embraced within the width prescribed. This subsection does not prevent the person from piling and storing along its right-of-way any materials necessary for construction, maintenance, or operation of its railroad.

(b) *Notification by Department.* — By September 1 of each year, the Department shall notify the person who operates a railroad in the State of the parts of its tracks where a fire hazard exists or probably may be caused to exist by failure to take precautions, or of the necessity for a safety strip.

(c) *Not to damage property of owner.* — Subject to the provisions of subsection (d) of this section, the person may clear the safety strips of flammable material without liability for trespass. However, they may not remove or damage any fence, building, merchantable timber, or living trees as the owner designates without compensating him.

(d) *Requirement of notice to and permission of owner.* — (1) The Department shall obtain written permission of the actual owner of any property involved in clearing safety strips for the annual clearing prescribed by the provisions of subsection (a) of this section. The notice requesting written permission shall be made either by registered or certified mail directed to the last known address of the property owner of record, or by personal service on him. (2) If the owner of record is not served by either of these methods, the Department shall publish a notice of the annual clearing by the first day of September of each year at least once in two papers of general circulation in the county where all or a major portion of the property lies. The notice shall quote the provisions of this section. (3) If the owner does not file an objection to the clearing with the Department within 15 days after the mailing, personal service, or publication of notice, the owner shall be deemed to give consent to the clearing, and to entry on his property for this purpose. (4) If the owner refuses his permission, or if he timely files an objection, the Department may serve on him, by personal service or registered or certified mail, a written order for the owner to clear the safety strips within the time prescribed in subsection (a) of this section in the manner the Department directs. Any owner who fails to comply with the order within the prescribed time is liable to the fine provided for in § 5-714 of this subtitle. (An. Code 1957, art. 66C, §§ 376-378, 382; 1973, 1st Sp. Sess., ch. 4, § 1; 1983, ch. 453; 2004, ch. 25, § 6.)

§ 5-708. Right of entry.

The Department and its authorized agents may enter at their risk, and without liability for trespass, any railroad or other land in order to ascertain conditions relative to enforcement of any provision of Part II of this subtitle. (An. Code 1957, art. 66C, § 379; 1973, 1st Sp. Sess., ch. 4, § 1.)

§ 5-709. Duty of landowners to clear safety strip.

Every landowner shall clear the safety strips in accordance with the terms of Part II of this subtitle. (An. Code 1957, art. 66C, § 380; 1973, 1st Sp. Sess., ch. 4, § 1.)

§ 5-710. Duties of persons owning property abutting railroad tracks.

Any person owning property within 100 feet of the tracks of any railroad operating within the State when the distance is measured horizontally from the outer rail, who cuts or permits cutting trees or other crops on its property shall dispose of every treetop, brush, and other flammable material caused by the cutting so that the flammable material does not remain within 100 feet of the tracks for more than 30 days after cutting. (An. Code 1957, art. 66C, § 381; 1973, 1st Sp. Sess., ch. 4, § 1; 1983, ch. 453.)

§ 5-711. Engine or boiler to be provided with appliances to prevent fire.

Every engine or boiler, operated in, through, or near forest or brush which does not burn oil as fuel, shall be provided with any appliance approved by the Department to prevent escape of fire and sparks. Any person who violates this section is guilty of a misdemeanor and upon conviction in a court of competent jurisdiction is subject to a fine of at least \$10 and not exceeding \$100. (An. Code 1957, art. 66C, § 354; 1973, 1st Sp. Sess., ch. 4, § 1.)

§ 5-712. Compliance not bar to recovery of damage.

Compliance with the provisions of Part II of this subtitle is not a bar to recovery of any damage for which any complying person would or might otherwise be liable. (An. Code 1957, art. 66C, § 383; 1973, 1st Sp. Sess., ch. 4, § 1.)

§ 5-713. Inconsistent laws repealed.

Any act or part of an act inconsistent with the provisions of this subtitle is repealed to the extent of the inconsistency. (An. Code 1957, art. 66C, § 384; 1973, 1st Sp. Sess., ch. 4, § 1.)

§ 5-714. Penalty.

Any person who violates any provision of § 5-707, § 5-709, or § 5-710 of this subtitle upon conviction is subject to a fine at the rate of \$100 per mile, or any

fraction, measured along the tracks for each day the flammable material remains on the ground. (An. Code 1957, art. 66C, §§ 380-382; 1973, 1st Sp. Sess., ch. 4, § 1; 1983, ch. 453; 1988, ch. 6, § 1; 2004, ch. 25, § 6.)

Part III. Forest Fire Prevention.

§ 5-720. Open air burning; limitations.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Burning ban” means a complete ban on all open air burning that is declared by the Secretary or the Governor as a result of prolonged or unusual conditions conducive to the easy starting and spread of fire.

(3) “Open air burning” means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

(4) “Public officer” means:

- (i) The authorized agents of the Department; or
- (ii) Any police officer who is authorized to enforce the laws of the State or of a political subdivision of the State.

(b) *Open air burning during ban prohibited.* — (1) Subject to paragraph (2) of this subsection, a person may not start or allow open air burning in an area in which a burning ban imposed by the Secretary or the Governor is in effect.

(2) This subsection does not apply to:

(i) The supervised burning of buildings or solid, liquid, or gaseous fuels conducted under the direct control and supervision of qualified instructors at a training center operated by a fire department; or

(ii) Any other supervised burning conducted under the direct control and supervision of:

- 1. Qualified fire instructors; or
- 2. In Wicomico County, Worcester County, or Somerset County, a fire chief, captain, or fire line officer of a fire department that has jurisdiction over the area where the supervised burning occurs.

(c) *Right of entry on private land for inspection.* — On reasonable suspicion of open air burning on privately owned property in an area in which a burning ban is in effect, a public officer may enter on the privately owned property of any person to extinguish the fire or to enforce the provisions of this section. (1989, ch. 801; 2007, ch. 137.)

Subtitle 9A. Rural Legacy Program.

§ 5-9A-05. Applications for designation of Rural Legacy Area; requirements and restrictions on easements and other rights.

(a) *Filing of applications; jurisdictional restrictions.* — A sponsor may file an application to designate a Rural Legacy Area in accordance with a schedule

established by the Board. A local government may not apply for or approve an application for a Rural Legacy Area designation inside another jurisdiction's boundaries without that jurisdiction's approval.

(b) *Contents of applications.* — (1) The application shall describe the proposed Rural Legacy Area, include a Rural Legacy Area Plan, identify existing protected lands, state the anticipated level of initial landowner participation in the Program and the amount of the grant requested, and comply with the criteria set forth below.

(2) To qualify for additional funds appropriated above the level appropriated in fiscal year 2000 as provided for in § 12-1007(d) of the Public Safety Article, an application shall include a certification that the local jurisdiction has not adopted any local amendments to the Maryland Building Rehabilitation Code.

(c) *Evaluation and comparison of applications.* — The Board shall evaluate and compare applications in accordance with the following criteria in order to select those that best carry forward the goals and objectives of the Program set forth in § 5-9A-01 of this subtitle:

(1) The significance of the agricultural, forestry, and natural resources proposed for protection, including:

(i) The degree to which proposed fee or easement purchases will protect the location, proximity, and size of contiguous blocks of lands, green belts or greenways, or agricultural, forestry, or natural resource corridors;

(ii) The nature, size, and importance of the land area to be protected, such as farmland, forests, wetlands, wildlife habitat and plant species, vegetative buffers, or bay or waterfront access; and

(iii) The quality and public or economic value of the land;

(2) The degree of threat to the resources and character of the area proposed for preservation, as reflected by patterns and trends of development and landscape modifications in and surrounding the proposed Rural Legacy Area;

(3) The significance and extent of the cultural resources proposed for protection through fee simple purchases, including the importance of historic sites and significant archaeological areas;

(4) The economic value of the resource-based industries or services proposed for protection through land conservation, such as agriculture, forestry, recreation, and tourism;

(5) The overall quality and completeness of the Rural Legacy Plan, including:

(i) The degree to which existing planning, zoning, and growth management policies contribute to land conservation and the protection of cultural resources;

(ii) The degree to which the proposed plan is consistent with the applicable local comprehensive plan, including protection of sensitive areas and mineral resources;

(iii) How well existing or new conservation programs are coordinated with the proposed acquisition plan;

(iv) How well the plan will maximize acquisition of real property interests in contiguous blocks of land within the Rural Legacy Area while providing for protection of isolated acquisitions important to the plan;

(v) Provisions for protection of resources, such as voluntarily granted or purchased easements, fee estate purchases, or gifts of lands;

(vi) How the sponsor plans to manage, prioritize, and sequence easement and land acquisitions;

(vii) Methodology for prioritizing and valuing or appraising easements;

(viii) Proposed titleholders for easement or fee estate acquisitions; and

(ix) The quality of the proposed stewardship program for holding and monitoring of easement restrictions in perpetuity;

(6) The strength and quality of partnerships created for land conservation among federal, State, and local governments and land trusts for implementing the plan, including:

(i) Financial support;

(ii) Dedication of staff and resources; and

(iii) Commitment to and development of local land conservation policies, such as changes in zoning and use of transferable development rights;

(7) The extent to which federal or other grant programs will serve as a funding match; and

(8) A sponsor's ability to carry out the proposed Rural Legacy Plan and the goals and objectives of the Program.

(d) *Actions by the Board regarding applications.* — The Board:

(1) Shall review applications and may request additional information from a sponsor;

(2) Shall submit applications to appropriate State agencies and to the advisory committee established by this subtitle and consider any recommendations made regarding the applications; and

(3) May negotiate the terms of an application and proposed Rural Legacy Area and plan with a sponsor.

(e) *Assurance of public participation; review and comment by municipal corporation.* — (1) A sponsor shall assure adequate public participation in the development of an application and provide the Board with a summary of that participation.

(2) (i) If an application proposes a Rural Legacy Area be located within 1 mile of the boundary of a municipal corporation, the municipal corporation shall have 45 days to review and comment on the application before the application is submitted to the Board.

(ii) The sponsor shall submit to the Board with the completed application a summary of the comments from the municipal corporation.

(f) *Applications by land trust; local government approval of application approvals or amendments.* — (1) A land trust shall consult with a local government prior to filing an application.

(2) The Board may not approve or amend an application without local government approval.

(g) *Public access under conservation easements.* — The right of public access may not be required under a conservation easement.

(h) *Land trust interests restricted.* — A land trust may not hold exclusive title to real property interests acquired under this subtitle.

(i) *Nature and scope of easements.* — An easement acquired under this subtitle is perpetual and may not be extinguished or released.

(j) *Development rights.* — (1) With the approval of a landowner, funds under this Program may be used to purchase a development right as part of an easement or fee estate acquisition. A development right shall be held by the titleholder and the Board and may be sold only within the same jurisdiction pursuant to local law.

(2) In a county with a locally adopted transferable development rights program and with the approval of the county, funds under this Program may be used to purchase transferable development rights in the county in accordance with the locally adopted transferable development rights program.

(3) The right to resell the development right shall be stated in the instrument of purchase.

(4) The Rural Legacy Board shall maintain records concerning:

(i) Real property from which transferable development rights are purchased; and

(ii) Real property to which rights are resold and transferred.

(5) The county shall provide to the Board information relating to the records required in paragraph (4) of this subsection.

(6) Transferable development rights may be resold only to owners or option purchasers of real property located in priority funding areas, including municipalities, within the county in which the rights were purchased.

(7) (i) The proceeds associated with the resale of transferable development rights shall be distributed only as described in this paragraph.

(ii) Fifty percent of the proceeds shall be used by the local government in which the development using transferable development rights is located to fund capital projects in the county or municipal corporation which is receiving transferable development rights. Funds shall be distributed to the municipal corporation if the receiving area is within the corporate limits of a municipal corporation.

(iii) Fifty percent of the proceeds shall be returned to the Rural Legacy Program for use in the county in which the proceeds were generated.

(iv) Proceeds may not be used for operating expenses.

(k) *Recordation of easements.* — All easement acquisitions must be recorded among the land records where the real property is located.

(l) *State or local condemnation authority limited.* — State or local condemnation authority may not be used to acquire real property interests under this Program.

(m) *Protection of historic sites or archeological areas.* — Funds may be used for the protection of historic sites or significant archeological areas that otherwise meet the goals of this Program only if the sponsor is acquiring real property interests through a fee simple purchase.

(n) *Reservation of mineral rights.* — A land or mineral owner who participates in this Program may reserve mineral rights for extraction in accordance with applicable law and the terms of the easement or fee acquisition.

(o) *Basis of determination.* — In its determination under subsection (c) of this section, the Rural Legacy Board may not make its determination solely on the basis of whether a county has adopted a transferable development rights program authorizing Rural Legacy Board purchases and sales of transferable

development rights. (1997, chs. 757, 758; 2000, ch. 61, § 7; chs. 206, 648; 2003, ch. 17.)

TITLE 8.

WATERS.

Subtitle 7. State Boat Act.

§ 8-707. Waterway Improvement Fund — Established; purposes; appropriations; reports.

(a) *Established; purpose.* — There is a Waterway Improvement Fund for the purposes specified in this subtitle. Except as provided in § 8-709 of this subtitle, any money received into the Waterway Improvement Fund shall be used solely for the following projects:

(1) Marking channels and harbors and establishing aids to navigation in cooperation with and as an extension of operations of the United States Coast Guard;

(2) Clearing debris, aquatic vegetation, and obstruction from waters of the State;

(3) Dredging channels and harbors and construction of jetties and breakwaters in cooperation with and as an extension of operations of the United States Army Corps of Engineers;

(4) Dredging ponds, lakes, and reservoirs owned by the State;

(5) Constructing and maintaining marine facilities beneficial to the boating public, including constructing pump-out stations for use by the general boating public at public and private marinas. The Secretary may use the funds to install pump-out stations for use by the general boating public and to supplement maintenance costs at the discretion of the Secretary. Before approving the construction of any pump-out station at a public or private marina, the Secretary shall consult with the Department of the Environment to assure that the wastewater collection and treatment system of the marina is adequate to handle any increased flow. The Department may adopt regulations to govern the use and operation of pump-out stations for use by the general boating public constructed or supported by State funds under this section;

(6) Improvement, reconstruction, or removal of bridges, drawbridges, or similar structures over or across waters, if those structures delay, impede, or obstruct the boating public. With the approval of the Board of Public Works, funds from another public or any private source may be received and used to supplement and increase the funds in the Waterway Improvement Fund for the purpose of this subsection. Also, the Board of Public Works may enter into an agreement with a private company or person which owns such a structure, for the improvement, reconstruction, or removal of the structure, in order to provide a sharing of the cost of the improvement, reconstruction, or removal;

(7) Evaluation of water-oriented recreation needs and recreational capacities of Maryland waterways and development of comprehensive plans for waterway improvements;

(8) To provide matching grants to local governments for the construction of marine facilities for marine firefighting, marine police, or medical services and for the acquisition of vessels and equipment for vessels for marine firefighting, police, medical, and communication equipment for promoting safety of life and property and general service to the boating public utilizing the waters of the State. The ownership, operation, and maintenance of any equipment acquired under this subtitle shall be the responsibility of the local governing body;

(9) Structural and nonstructural shore erosion control under subsection (b) of this section;

(10) Acquisition of equipment and State vessels for firefighting, policing, first aid and medical assistance, and communications, in order to promote safety of life and property and general service to the boating public utilizing waters of the State;

(11) Boating information and education; and

(12) To provide interest-free loans to a governing body for the benefit of a residential property owner, or group of residential property owners, with land abutting a channel adjacent to a federal, State, county, or municipal main channel or harbor for dredging the adjacent channel.

(b) *Limitations on appropriations.* — Money from the Waterway Improvement Fund may be appropriated for structural and nonstructural shore erosion control projects under Subtitle 10 of this title, provided that the funds appropriated:

(1) In any fiscal year do not exceed 15% of the total excise tax revenues, exclusive of loan repayments, attained by the Waterway Improvement Fund in the preceding fiscal year; and

(2) May only be expended for projects that address shoreline areas where:

(i) Significant erosion is being caused by a combination of boat traffic and other factors, including:

1. An exposed point of land or shore in a narrow creek or cove;
2. Shore composition of easily erodible soils;
3. A steep, seaward, near-shore slope; or
4. A high rate of boating traffic passing close to the shore;

(ii) The shoreline has the following characteristics:

1. Evidence of erosion is clearly visible; and
2. Proximity to navigable waters where dredging responsibility is not clearly accepted by the federal government; or

(iii) Erosion has been significantly increased due to the construction or replacement of public waterway improvement structures.

(c) *Lump sum appropriations; report.* — (1) Funds specified under subsection (b) of this section may be appropriated in a lump sum for the general purpose of shore erosion control, without specifying individual projects pursuant to § 8-709(a) of this subtitle.

(2) By January 1 of each year, the Department shall issue a written report to the Senate Budget and Taxation Committee and the House Appropriations Committee that shall contain for each grant or loan made under subsection (b) of this section:

(i) The amount of each grant or loan;

- (ii) The name and address of each recipient;
- (iii) The location of the property for which the grant or loan was made; and
- (iv) If the recipient is a corporation, the name of each officer of the corporation. (An. Code 1957, art. 14B, § 12F; 1973, 1st Sp. Sess., ch. 4, § 1; 1977, ch. 624; ch. 784, § 5; 1981, ch. 595; 1982, ch. 17, § 7; 1983, ch. 8; 1984, ch. 255; 1988, chs. 307, 461, 551; 1989, ch. 690; 1990, ch. 6, § 2; ch. 263; 1991, ch. 55, § 1; 2007 Sp. Sess., ch. 6, § 5; 2009, ch. 487, § 1; 2015, ch. 489, § 1; 2018, ch. 12, § 6; ch. 719.)

Effect of amendments. — Section 1, ch. 489, Acts 2015, effective June 1, 2015, enacted pursuant to Article II, § 17(c) of the Maryland Constitution without the Governor's signature, added (a)(4) and redesignated accordingly.

Chapter 719, Acts 2018, effective July 1, 2018, added “and subsection (d) of this section” in (a); and added (d).

Editor's note. — Section 13, ch. 6, Acts 2007 Sp. Sess., provides that “Sections 2 and 5 of this Act shall take effect July 1, 2008. Section 5 of this Act shall be applicable to the fiscal year beginning July 1, 2008, and each subsequent fiscal year.”

Section 6, ch. 12, Acts 2018, provides that “the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to

codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.” Pursuant to § 6, ch. 12, Acts 2018, “Money” was substituted for “Moneys” at the beginning of (b).

Section 2, ch. 719, Acts 2018, provides that “this Act shall take effect July 1, 2018. It shall remain effective for a period of 1 year and, at the end of June 30, 2019, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.” Pursuant to § 2, ch. 179, Acts 2018, the amendment is deemed to have abrogated at the end of June 30, 2019.

§ 8-712. Numbering vessels; owner's certificate of number.

(a) *Numbering required; exceptions.* — (1) Any vessel equipped with propulsion machinery of any type on the waters of the State shall be numbered for identification in accordance with this subtitle and any regulation pursuant to it. This provision does not apply to the following vessels:

(i) A vessel which has a valid document issued by the United States Coast Guard or its successor;

(ii) A vessel with a valid number awarded pursuant to federal law or a federally approved numbering system of another state, if the number awarded is displayed in accordance with the requirements of that system, and the certificate of number is available for inspection whenever the vessel is in use;

(iii) A vessel from a country other than the United States temporarily using the waters of the State for less than 90 days;

(iv) A vessel used for public service and owned by the United States government, another state, or any political subdivision;

(v) A ship's lifeboat;

(vi) A vessel propelled only by sail;

(vii) A vessel numbered according to the Federal Boat Safety Act of 1971; or

(viii) A vessel manually propelled.

(2) The Department, by regulation, for the period the Department prescribes may exempt any vessel or class of vessels from the numbering provisions of this subtitle, if the vessel or class of vessels is exempted from the federal numbering requirements by statute, or rule or regulation.

(b) *Owner's certificate of number — Application.* — The owner of any vessel to be numbered by this subtitle shall file an application for a certificate of number with the Department. The application is on forms the Department approves, accompanied by the requisite fee, and signed by every vessel owner.

(c) *Owner's certificate of number — Fees; duration; transfer of ownership; exception.* — (1) Certificates of number issued under this section shall be valid for a period not to exceed 2 years. The owner of the vessel may apply every other year for renewal of the certificate. The renewed certificate shall expire on December 31 of the calendar year following the year the certificate is issued. The fee for a 2-year certificate for vessels is \$24. Vessels 16 feet in length or less and equipped with a 7½ horsepower motor or less are exempt from this fee. The fee to replace a lost, destroyed, or corrected certificate is \$2. The Department shall record any transaction or transfer of numbered boats. The Department may record any amount of money owing on a vessel required to be numbered at the time of sale. The Department may not effect a transfer of ownership until the amount of money owed as shown on the records of the Department is fully paid or recorded on the new title. Any vessel that is required to be numbered under this section that is exempt prior to January 1, 1974 shall be exempt from payment of this title tax.

(2) Emergency rescue boats and fire boats that belong to fire departments or rescue squads in Maryland:

(i) Shall be exempt from all registration fees; but

(ii) Shall apply for a registration renewal every 3 years.

(d) *Owner's certificate of number — Issuance; form and contents; inspection; display of number on vessel.* — Upon receipt of the application in approved form, the Department shall issue to the applicant a certificate of boat number which shall contain the boat number issued to the vessel and additional information the Department prescribes by regulation. The certificate of boat number shall be available for inspection when the vessel is in use. The owner shall paint on or attach the boat number to each side of the forward half of the vessel's hull or superstructure for which the boat number is issued, displaying the boat number in the manner required by Department regulations and maintaining the boat number in legible condition.

(e) *Owner's certificate of number — Expiration of certificate of vessel sold, transferred, abandoned.* — If a vessel required to be numbered under this subtitle is sold, transferred, abandoned, lost, stolen, or destroyed, the vessel's certificate expires at the time of the sale, transfer, abandonment, loss, theft, or destruction and then is invalid.

(f) *Owner's certificate of number — Service charge for unpaid checks.* — There is a \$5 service charge for every check returned unpaid.

(g) *Information as to obtaining U.S. Coast Guard rules and regulations.* — The Department shall inform each holder of a certificate of boat number of the manner in which the boat owner may obtain a current copy of the U.S. Coast Guard rules and regulations applicable to the type of boat registered under the owner's boat number.

(h) *Outstanding warrants.* — If a person who applies for the issuance or renewal of a certificate of boat number for a vessel has an outstanding warrant

for failing to appear in court to answer a charging document alleging a violation under this subtitle, the Department shall refuse to issue or renew the certificate of boat number for the vessel until the person charged has complied with the provisions of § 1-205 of this article. (An. Code 1957, art. 14B, §§ 5, 6; 1973, 1st Sp. Sess., ch. 4, § 1; 1975, ch. 471; 1979, ch. 695; 1980, ch. 339; 1983, chs. 8, 124; 1984, ch. 589; 1990, ch. 6, § 2; ch. 305; 1994, ch. 434; 2002, ch. 272, § 2.)

§ 8-716. Certificate of title — Fees; excise tax.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Commissioning procedures” means the initial outfitting of a vessel immediately after the purchase of the vessel, including the installation of rigging, electronic gear, propulsion machinery, generators, or other related gear.

(3) “Fair market value” means:

(i) As to the sale of any vessel by a licensed dealer or a dealer licensed by another state or a foreign country, the total purchase price, as certified by the dealer on a form acceptable to the Department, less the value of any vessel that is traded in as part of the consideration for the sale, which trade-in value may not exceed the value for the trade-in vessel as shown in a national publication of used vessel values adopted by the Department;

(ii) As to any other vessel that is sold by any person other than a licensed dealer, the greater of:

1. The total purchase price; or
2. \$100; or

(iii) As to any other vessel that is sold by any person other than a licensed dealer, either:

1. The total purchase price, if verified by means of a certified bill of sale approved by the Department, in which the actual price paid for the vessel is stated; or

2. The valuation shown in a national publication of used vessel values adopted by the Department if a certified bill of sale does not accompany the application.

(4) “Sea trial” means a period of on-the-water operations, not to exceed 1 day, that is conducted:

(i) For the purpose of testing the effectiveness of specific maintenance, repairs, or commissioning procedures; or

(ii) For a vessel held for resale by a licensed dealer under this section.

(5) “Total purchase price” means the price of a vessel, including simultaneously purchased motors, spars, sails, and accessories exclusive of trailer, agreed on by the buyer and seller, with no deduction for trade-in or other nonmonetary consideration.

(6) “Used principally in this State” means that this State is the state of principal use as defined in § 8-701(p) of this subtitle, except that in calculating where the vessel is used or used most, a vessel is not considered to be in use for

any period of time that it is held for maintenance, repair, or commissioning for 30 consecutive days or more.

(7) (i) “Vessel” has the meaning indicated in § 8-701(s) of this subtitle.

(ii) “Vessel” does not include a ship’s lifeboat, a vessel propelled only by sail, or vessel manually propelled.

(b) *Fee for issuance of original and duplicate certificate.* — The Department shall charge a \$2 fee to issue a certificate of title, a transfer of title, or a duplicate or corrected certificate of title.

(c) *Levy and amount of excise tax; title tax in lieu of sales tax or use tax; owners prior to June 1, 1965 exempt.* — (1) Subject to the limitation under paragraph (3) of this subsection and except as provided in § 8-715(d) of this subtitle and in subsections (e) and (f) of this section, and in addition to the fees prescribed in subsection (b) of this section, an excise tax is levied at the rate of 5% of the fair market value of the vessel on:

(i) The issuance of every original certificate of title required for a vessel under this subtitle;

(ii) The issuance of every subsequent certificate of title for the sale, resale, or transfer of the vessel;

(iii) The sale within the State of every other vessel; and

(iv) The possession within the State of a vessel used or to be used principally in the State.

(2) Notwithstanding the provisions of this subsection, no tax is paid on issuance of any certificate of title if the owner of the vessel for which a certificate of title is sought was the owner of the vessel prior to June 1, 1965, or paid Maryland sales and use tax on the vessel as required by law at the time of acquisition. The Department may require the applicant for titling to submit satisfactory proof that the applicant owned the vessel prior to June 1, 1965.

(3) (i) Subject to subparagraph (ii) of this paragraph, the excise tax imposed under this subsection may not exceed \$15,000 for any vessel.

(ii) The maximum amount of the excise tax imposed for any vessel as specified in subparagraph (i) of this paragraph shall be increased by \$100 on:

1. July 1, 2016; and

2. July 1 of each subsequent year.

(d) *Remittance of uncollected tax.* — If the tax is not collected by a licensed dealer pursuant to § 8-716.1 of this subtitle, the owner, whether or not applying for the issuance of a title, shall remit the tax directly to the Department within 30 days of the date of sale or, in the case of a vessel purchased outside the State, within 30 days of the date upon which the possession within the State became subject to the tax.

(e) *When fee or tax not required to be paid.* — A person is not required to pay the tax provided for in subsection (c) of this section resulting from:

(1) A transfer between members of the immediate family as determined by Department regulations;

(2) A transfer between members of the immediate family as determined by Department regulations of a documented vessel for which the transferor applied for and was issued a valid use sticker under § 8-712.1 of this subtitle;

(3) A transfer to a licensed dealer of a vessel for resale, rental, or leasing purposes;

(4) The holding of a vessel that is titled or numbered in another state or is federally documented, provided:

(i) The vessel is held for resale or listed for resale by a licensed dealer; and
(ii) The vessel owner signs an affidavit that there will be no use of the vessel on the waters of the State other than for a sea trial;

(5) Purchase of a vessel by the State or any political subdivision;

(6) Purchase of a vessel by an eleemosynary organization which the Secretary has approved;

(7) The purchase within the State of a vessel if the owner paid or incurred a liability for the Maryland sales and use tax on the vessel prior to July 1, 1986;

(8) The possession within the State of a vessel which was purchased outside the State if the owner paid or incurred a liability for the Maryland use tax on the vessel prior to July 1, 1986;

(9) The possession of a vessel in the State that is not used or to be used principally on the waters of the State and for which the issuance of a title is not sought or required under this subtitle, except that:

(i) A vessel is not deemed used on the waters of the State if the vessel is used for 90 days or less of a calendar year; and

(ii) If a vessel is used for more days than 90 days in a calendar year, the period of 90 days shall be counted in the determination of principal use under this subtitle;

(10) The possession within the State of a vessel if the current owner, before July 1, 1986:

(i) 1. Was licensed by the Department to catch, for commercial purposes, finfish, eels, crabs, conch, soft-shell clams, hard-shell clams, oysters, or any other fish; and

2. Used the vessel for any of the commercial fishing purposes described in item 1 of this item; or

(ii) 1. Was licensed as a commercial fishing guide under the provisions of § 4-210 of this article; and

2. Used the vessel as a charter boat with a license as provided in § 4-745(d)(2) of this article;

(11) The possession within the State of a vessel that:

(i) Is owned by a nonprofit organization that:

1. Is qualified as tax exempt under § 501(c)(4) of the Internal Revenue Code; and

2. Is engaged in providing a program to render its best efforts to contain, clean up, and otherwise mitigate spills of oil or other substances occurring in United States coastal and tidal waters; and

(ii) Is used for the purposes of the organization;

(12) The possession within the State of a vessel for a period of not more than one year if the current owner is a member of the armed services and is serving on active duty in this State; or

(13) The sale of a vessel within the State if:

(i) The vessel is purchased from a licensed dealer;

(ii) The issuance of a title is not sought or required;

(iii) The vessel is not used or to be used principally on the waters of this State;

(iv) The vessel is duly registered in another jurisdiction within 30 days of the date of purchase; and

(v) The dealer and the purchaser execute an agreement certifying the state of principal use for the vessel which is filed with the Department within 30 days of the date of purchase.

(f) *Applicability to possession within the State of a vessel.* — (1) This subsection applies to possession within the State of a vessel if:

(i) The vessel was formerly:

1. Titled or numbered in another jurisdiction; or
2. Federally documented and principally used in another jurisdiction;

(ii) The present owner has paid a sales or excise tax on the vessel to the other jurisdiction; and

(iii) The jurisdiction to which the tax was paid would allow an exemption or credit under its sales or excise tax for excise tax on a vessel formerly paid to the State.

(2) For a vessel described in paragraph (1) of this subsection:

(i) If the rate of the tax paid to the other jurisdiction is not less than the rate under subsection (c) of this section, the tax imposed under subsection (c) of this section does not apply to possession of the vessel within the State;

(ii) If the rate of the tax paid to the other jurisdiction is less than the rate under subsection (c) of this section, the rate of the tax imposed under subsection (c) of this section on possession of the vessel within the State is the difference between the tax rate paid to the other jurisdiction and the rate under subsection (c) of this section; and

(iii) The Department may require the taxpayer to submit satisfactory proof of the payment of a tax to another jurisdiction and the rate of tax paid and, where applicable, evidence of principal use of a federally documented vessel in another jurisdiction.

(3) This subsection is applicable to any vessel incurring a liability for Maryland boat excise tax on or after July 1, 1986.

(g) *Tax credit.* — (1) A person may claim a credit against any tax imposed under subsection (c) of this section on a vessel for sales tax the person has paid to the State, to another state, or to the District of Columbia on materials and equipment that are incorporated into the vessel, if:

(i) 1. The person is licensed by the Department to catch, for commercial purposes, finfish, eels, crabs, conch, soft-shell clams, hard-shell clams, oysters, or any other fish; and

2. The vessel is to be used for any of the commercial fishing purposes described in item 1 of this item; or

(ii) 1. Was licensed as a commercial fishing guide under the provisions of § 4-210 of this article; and

2. Used the vessel as a charter boat with a license as provided in § 4-745(d)(2) of this article.

(2) The Department may require a person claiming the credit allowed under this subsection to submit satisfactory proof of payment of the sales tax and that the materials or equipment have been incorporated into the vessel.

(h) *Overpayment of tax.* — If the Department determines there has been an overpayment of the tax on a vessel, or an overpayment has resulted for any

other reason, the Department may submit the overpayment and supporting data whether accompanied by a written claim or not to the State Comptroller for refund to the appropriate person.

(i) *Vessel held for maintenance or repair.* — (1) For purposes of subsection (a)(4) of this section, a vessel is deemed to be held for maintenance, repair, or commissioning if:

(i) The maintenance, repair, or commissioning work is provided in exchange for compensation;

(ii) The maintenance, repair, or commissioning work is performed pursuant to a schedule preestablished with one or more marine contractors; and

(iii) The total cost of the maintenance, repair, or commissioning work is at least two times the reasonable current market cost of docking or storing the vessel.

(2) Time spent conducting sea trials shall be included when calculating the period of time a vessel is held for maintenance, repair, or commissioning under subsection (a)(4) of this section. (An. Code 1957, art. 14B, §§ 4E, 4F, 6; 1973, 1st Sp. Sess., ch. 4, § 1; 1974, ch. 864, § 3; 1975, ch. 55; 1976, ch. 391; 1977, ch. 673; 1981, chs. 203, 481; 1983, ch. 8; 1986, ch. 828, § 1; 1987, ch. 126, § 6; 1988, ch. 110, § 1; ch. 729; ch. 743, §§ 1, 2; 1989, ch. 5, § 1; 1990, ch. 6, § 2; ch. 164; 1992, ch. 22, § 1; 1994, ch. 434; 1997, ch. 382; 1998, ch. 485; 1999, ch. 34, § 1; 2000, ch. 61, § 7; ch. 276; 2001, ch. 29, § 5; 2002, ch. 272, § 2; 2004, ch. 207, §§ 1, 2; ch. 460; 2006, chs. 73, 74, 130; 2007, ch. 5, § 7; chs. 117, 118; 2012, ch. 66, § 6; 2013, ch. 180, § 1; 2016, chs. 656, 657; 2017, ch. 61.)

Effect of amendments. — Section 1, ch. 180, Acts 2013, effective July 1, 2013, added “Subject to the limitation under paragraph (3) of this subsection and” in the introductory language of (c)(1); added (c)(3); and made related changes.

Chapters 656 and 657, Acts 2016, effective June 1, 2016, enacted pursuant to Art. II, § 17(c) of the Maryland Constitution without the Governor’s signature, made identical amendments. Each rewrote (c)(3).

Chapter 61, Acts 2017, approved April 11, 2017, and effective from date of enactment, reenacted (c) without change to correct an error in the function paragraph of chs. 656 and 657, Acts 2016.

Editor’s note. — Pursuant to § 6, ch. 66, (a)(4) was redesignated as (a)(6) and (a)(5) and (a)(6) were redesignated as (a)(4) and (a)(5) for purposes of alphabetical order.

Section 3, ch. 180, Acts 2013, provides that “the Department of Natural Resources shall submit a report on or before August 1 of 2014, 2015, and 2016 to the Governor and, in accordance with § 2-1246 [2-1257] of the State Government Article, the General Assembly that describes the effect of the limitation on the vessel excise tax enacted by Section 1 of this Act during the preceding fiscal year on:

“(1) the number and type of vessels registered in the State; and

“(2) the health of the boating industry.”

Section 6, ch. 180, Acts 2013, as amended by chs. 656 and 657, Acts 2016, provides that “this Act shall take effect July 1, 2013. Section 4 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2016, with no further action required by the General Assembly, Section 4 of this Act shall be abrogated and of no further force and effect.” Chapters 656 and 657, Acts 2016, deleted a prior abrogation of amendment of section text, leaving only an abrogation of uncodified material in § 4, ch. 180, Acts 2013.

Tax applies to act of possessing within State. — Tax under (c)(1)(iv) applies only to the act of possessing, within Maryland, a vessel which was (a) purchased outside the State, and (b) purchased with the intent to principally use it in Maryland; therefore, it was error to impose the tax on a person who bought a boat in California with no intent to use it in Maryland at the time of the purchase. *Kushell v. Dep’t of Natural Res.*, 385 Md. 563, 870 A.2d 186 (2005).

Exemption for principal use outside of Maryland held inapplicable. — Yacht owners, who signed a form at the purchase of their yacht stating that the yacht would be used principally in the State of Florida, were required to pay the Maryland excise tax on the purchase of their yacht in Maryland because they did not qualify for the exemption under (c)

in that, pursuant to § 8-701(p) of this subtitle, the vessel was used principally in Maryland in the calendar year, in spite of the owners' contentions that the yacht was in Maryland for necessary repair and maintenance. *Schwartz v.*

Md. Dep't of Natural Res., 385 Md. 534, 870 A.2d 168 (2005).

Cited in *Adventist Health Care, Inc. v. Md. Health Care Comm'n*, 392 Md. 103, 896 A.2d 320 (2006).

§ 8-727.1. Use of flashing red and yellow lights or signal devices; emergency vessels.

(a) *“Public safety activity” defined.* — (1) In this section, “public safety activity” includes:

- (i) Patrolling a marine parade, regatta, or special water celebration;
- (ii) Traffic control;
- (iii) Salvage;
- (iv) Fire fighting;
- (v) Medical assistance;
- (vi) Assisting a disabled vessel; and
- (vii) Search and rescue.

(2) “Public safety activity” does not include routine towing.

(b) *Use prohibited.* — Except as provided in subsection (c) of this section, an individual who is on a vessel may not display or operate a flashing, alternating red and yellow light or signal device.

(c) *Display of signal; location; right-of-way.* — (1) An individual who is on a vessel engaged in a government sanctioned public safety activity or a commercial vessel performing a public safety activity may display an alternately flashing red and yellow light signal.

(2) The public safety identification light signal shall be located so that it does not interfere with the visibility of the vessel's navigation lights.

(3) The public safety identification light signal may be used only as an identification light signal and does not convey any special privilege to the vessel displaying the light signal.

(4) An individual on a vessel using the public safety identification light signal during public safety activities shall comply with the Inland Navigation Rules adopted by the United States Coast Guard and may not presume that the light or the activity gives the vessel precedence or right-of-way.

(d) *Penalty for violation.* — A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500. (1991, ch. 275; 1993, ch. 216; 2007, ch. 5, § 7; 2019, chs. 599, 600.)

Effect of amendments. — Chapters 599 and 600, Acts 2019, effective October 1, 2019, enacted pursuant to art. II, § 17(c) of the Mary-

land Constitution without the Governor's signature, made identical changes. Each reenacted (b) without change.

PUBLIC SAFETY.

Title 1.

Definitions; General Provisions.

Subtitle 2. Employees Killed in Performance of Duty.

Sec.

- 1-201. Reward for information.
- 1-202. Death benefits.

Subtitle 3. 9-1-1 Emergency Telephone System.

1-301. Definitions.

- (a) In general.
 - (b) Additional charge.
 - (c) Board.
 - (d) Commercial mobile radio service (CMRS).
 - (e) Commercial mobile radio service provider (CMRS provider).
 - (f) County plan.
 - (g) Customer.
 - (h) Enhanced 9-1-1 system.
 - (i) FCC order.
 - (j) Home service provider.
 - (k) Next Generation 9-1-1 services.
 - (l) 9-1-1-accessible service.
 - (m) 9-1-1 fee.
 - (n) 9-1-1 service carrier.
 - (o) 9-1-1 specialist.
 - (p) 9-1-1 system.
 - (q) 9-1-1 Trust Fund.
 - (r) Prepaid wireless E 9-1-1 fee.
 - (s) Prepaid wireless telecommunications service.
 - (t) Public safety agency.
 - (u) Public safety answering point.
 - (v) Secretary.
 - (w) Seller.
 - (x) Wireless enhanced 9-1-1 service.
- 1-302. Legislative findings and declarations; purposes of subtitle.
- 1-302.1. Classification and compensation of 9-1-1 specialists.
- 1-303. Effects of subtitle.
- 1-304. Enhanced 9-1-1 system required.
- 1-305. Emergency Number Systems Board.
- 1-306. Responsibilities of Board — Coordination of enhancement of 9-1-1 systems.
- 1-307. Responsibilities of Board — Annual report.
- 1-308. 9-1-1 Trust Fund.
- 1-309. Appropriations and disbursements from 9-1-1 Trust Fund.
- 1-309.1. Cybersecurity standards for public safety answering points.
- 1-310. 9-1-1 fee.
- 1-311. Additional charge.
- 1-312. Expenditures by counties for 9-1-1 systems.
- 1-313. Prepaid wireless E 9-1-1 fee.

Sec.

- 1-314. Multiple-line telephone systems — Direct dial (Kari's Law).
- 1-315. Immunity from liability for transmission failures.

Subtitle 5. Statewide Interoperability Radio Control Board.

1-501. Definitions.

- (a) In general.
 - (b) Board.
 - (c) System.
 - (d) User.
- 1-502. Statewide Interoperability Radio Control Board.
- 1-503. Duties of Board.

Title 2.

Department of State Police.

Subtitle 1. Definitions.

2-101. Definitions.

- (a) In general.
- (b) Civilian classification.
- (c) Civilian employee.
- (d) Commissioned rank.
- (e) Department.
- (f) Grade.
- (g) Law enforcement agency.
- (h) Noncommissioned rank.
- (i) Police employee.
- (j) Rank.
- (k) Rule.
- (l) Secretary.

Subtitle 2. Organization and Administration of Department.

- 2-201. Department established.
- 2-207. Units in Department.

Title 3.

Law Enforcement.

Subtitle 1. Law Enforcement Officers' Bill of Rights.

- 3-103. Rights of law enforcement officers generally.

Title 6.

State Fire Prevention Commission and State Fire Marshal.

Subtitle 2. State Fire Prevention Commission.

- 6-201. Established.
- 6-202. Membership.
- 6-203. Officers.
- 6-204. Quorum; meetings; compensation.

FIRE LAWS OF MARYLAND

Sec.

- 6-205. Miscellaneous powers and duties.
- 6-206. Regulations.
- 6-207. Authority of Secretary.

Subtitle 3. State Fire Marshal.

- 6-301. Office established.
- 6-302. State Fire Marshal.
- 6-303. Staff.
- 6-304. Assistant and special assistant State fire marshals.
- 6-305. General powers and duties of State Fire Marshal.
- 6-306. Criminal history records check of firefighters, rescue squad members, and paramedics.
- 6-307. Inspections.
- 6-308. Fees.
- 6-309. Investigations.
- 6-310. Testimony.
- 6-311. Arrests.
- 6-312. Written reports of investigations.
- 6-313, 6-314. [Repealed].
- 6-315. Administrative search warrants — For fire investigations.
- 6-316. Administrative search warrants — For fire prevention inspections.
- 6-317. Maintenance of fire hazard prohibited.
- 6-318. Abatement orders — In general.
- 6-319. Abatement orders — Service of order.
- 6-320. Abatement orders — Failure to comply with order.
- 6-321. Additional remedies.
- 6-322. Authority of Secretary.

Subtitle 4. Baltimore City.

- 6-401. Applicability in Baltimore City.
- 6-402. Assistance from Commission and State Fire Marshal.
- 6-403. Reports by Baltimore City Fire Department.

Subtitle 5. Appeals.

- 6-501. Right to file appeal.
- 6-502. Procedure.
- 6-503. Judicial review.

Subtitle 6. Prohibited Acts; Penalties.

- 6-601. Violation of title or regulation.
- 6-602. Interference, obstruction, or false representation.

Title 7.

Fire, Rescue, or Emergency Medical Services Entities.

Subtitle 1. Mutual Aid Agreements by Fire, Rescue, or Emergency Medical Services Entities.

- 7-101. Definitions.
 - (a) In general.

Sec.

- (b) Fire, rescue, or emergency medical services entity.
- (c) Mutual aid agreement.
- 7-102. Liberal construction.
- 7-103. Mutual aid agreements with other states and entities.
- 7-104. Agreements with federal government to provide fire fighting or rescue activities.
- 7-105. Training in emergency response measures.
- 7-106. Benefits accruing under workers' compensation and related laws.
- 7-107. Expenditures.

Subtitle 2. Members of Volunteer Fire Companies and Rescue Squads.

Part I. Disability and Death Benefits.

- 7-201. "Board" defined.
- 7-202. Disability benefits.
- 7-203. Death benefits.
- 7-204. Funding.
- 7-205. On duty for purposes of Federal Act.

Subtitle 3. Members of Fire Companies Appointed as Deputy Sheriffs.

- 7-301. "Commanding officer" defined.
- 7-302. Appointment of members of fire companies as deputy sheriffs — Baltimore, Caroline, Dorchester and Queen Anne's counties.
- 7-303. Appointment of members of fire companies as deputy sheriffs — Allegany, Caroline, Carroll, Dorchester, Frederick, Harford, Kent, Somerset, Talbot, Wicomico, and Worcester counties.
- 7-304. Appointment of members of fire or ambulance companies as fire police — Cecil County and Washington County.

Subtitle 4. Miscellaneous Provisions.

- 7-401. Provision of fire, ambulance, and rescue services by for-profit entities.
- 7-402. Interference, obstruction, or false representation prohibited; penalty.
- 7-403. Limited access to private water sources.

Title 8.

Fire and Rescue Funds.

Subtitle 1. Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

- 8-101. Definitions.
 - (a) In general.
 - (b) Administrative costs.
 - (c) Bank account.
 - (d) Capital equipment.
 - (e) Capital expenditure.
 - (f) Computer software.

PUBLIC SAFETY

Sec.

- (g) Director.
 - (h) Encumber.
 - (i) Expenditures for fire protection.
 - (j) Fund.
 - (k) Legal obligation.
 - (l) Qualified municipal corporation.
 - (m) Rehabilitate.
 - (n) Routine maintenance costs.
- 8-102. Senator William H. Amoss Fire, Rescue, and Ambulance Fund [Abrogation of amendment subject to contingency].
- 8-103. Allocation and distribution of money.
- 8-104. Use and expenditures of money.
- 8-105. Required reports.
- 8-106. Failure to comply with subtitle.

Subtitle 2. Volunteer Company Assistance Fund.

- 8-201. Definitions.
- (a) In general.
 - (b) Association.
 - (c) Department.
 - (d) Fund.
 - (e) Volunteer company.
- 8-202. Volunteer Company Assistance Fund — In general.
- 8-203. Volunteer Company Assistance Fund — Purpose; grants.
- 8-204. Volunteer Company Assistance Fund — Requests for money.
- 8-205. Annual appropriation.
- 8-206. Annual reports by Association.
- 8-207. [Repealed].
- 8-208, 8-209. [Redesignated].

Title 9.

Fire Protection and Prevention.

Subtitle 1. Smoke Detection Systems.

- 9-101. Definitions.
- (a) In general.
 - (b) Long-life battery.
 - (c) Sleeping area.
 - (d) Sleeping room.
 - (e) Smoke alarm.
 - (f) Smoke detector.
- 9-102. Smoke alarms required in sleeping areas.
- 9-103. Smoke alarms required in sleeping areas — New construction.
- 9-104. Specific requirements.
- 9-105. Sleeping rooms occupied by deaf or hard of hearing individuals.
- 9-106. Enforcement; responsibilities.
- 9-106.1. Sale of battery operated smoke alarm.
- 9-107. Property insurance claims.
- 9-108. Smoke alarm installation order.
- 9-109. Violation of subtitle.

Subtitle 2. Sprinkler Systems.

Sec.

- 9-201. Definitions.
- (a) In general.
 - (b) Dormitory.
 - (c) Dwelling unit.
 - (d) Hotel.
 - (e) Lodging or rooming house.
 - (f) Multifamily residential dwelling.
 - (g) Public water system.
 - (h) Sprinkler system.
 - (i) Town house.
- 9-202. Effect of subtitle.
- 9-203. Enforcement of subtitle.
- 9-204. Installation of sprinkler systems required.
- 9-205. Authority to grant exceptions.
- 9-206. Violation of subtitle.

Subtitle 3. Fast Response Residential Fire Sprinkler Systems.

- 9-301. Scope of subtitle.
- 9-302. Enforcement of subtitle.
- 9-303. Installation of system required.
- 9-304. Requirements for systems.
- 9-305. Cost of installation considered.
- 9-306. Penalty for violation of subtitle.

Subtitle 4. High-Rise Building Safety in Case of Fire.

- 9-401. Definitions.
- (a) In general.
 - (b) High-rise building.
 - (c) Local fire department.
 - (d) Mobility impaired.
 - (e) Public way.
- 9-402. Purpose of subtitle; legislative findings.
- 9-403. Automatic sprinkler system required.
- 9-404. Appeal of orders for compliance.
- 9-405. Annual notice for mobility impaired residents.

Subtitle 5. Evacuation Procedures in Case of Fire.

- 9-501. Scope of subtitle.
- 9-502. Posting of fire safety information in hotels, motels, and lodging houses.
- 9-503. Automatic fire extinguishing systems in specified buildings.
- 9-504. [Repealed].
- 9-505. Alternative requirements for acute care hospitals.
- 9-506. Penalties for violation of subtitle or regulation.

Subtitle 6. Disclosure of Fire Loss Investigation Reports.

- 9-601. Definitions.
- (a) In general.
 - (b) Fire investigator.
 - (c) Insurer.

FIRE LAWS OF MARYLAND

- Sec.
9-602. Disclosure of information by insurer — In general.
9-603. Disclosure of information by insurer — Fire loss caused by incendiary means.
9-604. Confidentiality of information.
9-605. Immunity from criminal prosecution and civil liability.
9-606. Prohibited acts; penalty.

Subtitle 7. Fire Prevention Codes of Counties and Municipal Corporations.

- 9-701. Authority of counties and municipal corporations to adopt fire prevention codes.
9-702. Inspections and plan review.

Subtitle 8. Fire Inspections by Fire Departments of Counties and Municipal Corporations.

- 9-801. Definitions.
 (a) In general.
 (b) Combustible material.
 (c) Fire official.
9-802. Scope of subtitle.
9-803. Fire inspections authorized.
9-804. Notice to occupant to remove combustible material.
9-805. Hindering, obstructing, or refusing to allow fire inspection.

Subtitle 9. Fire Sprinkler Contractors.

- 9-901. "Fire sprinkler contractor" defined.
9-902. Program to license fire sprinkler contractors.
9-903. Fire sprinkler contractor license required.
9-904. Duties of State Fire Marshal.
9-905. Violation of subtitle.

Subtitle 10. Miscellaneous Provisions.

- 9-1001. Restrictions on use of barbecue grill.

Title 10.

Fireworks and Sparklers.

Subtitle 1. Definitions; General Provisions.

- 10-101. Definitions.
 (a) In general.
 (b) 1.3 G fireworks.
 (c) 1.4 G fireworks.
 (d) Explosive composition.
 (e) Finishing and assembling building.
 (f) Fireworks.
 (g) Fireworks plant.
 (h) Mixing building.
 (i) Press building.
 (j) Pyrotechnic composition.
 (k) Storage building.
10-102. Scope of title.

- Sec.
10-103. Authority to grant permits to discharge fireworks.
10-104. Permit to discharge fireworks.
10-105. Bond or insurance.
10-106. Workers' compensation; accident insurance.
10-107. Inspections and investigations for permits.
10-108. Advertising discharge of fireworks.
10-109. Regulations.
10-110. Prohibited acts.
10-111. Penalties.
10-112. Sale of sparklers and sparkling devices to person under age of 16 years.
10-113. Registration of distributors or wholesalers of sparklers or sparkling devices.

Subtitle 2. Fireworks Plants.

- 10-201. License to operate fireworks plant.
10-202. Regulations.
10-203. Inspections.
10-204. Locations of buildings; fencing.
10-205. Construction of plant buildings.
10-206. Plant equipment.
10-207. Safety standards for buildings.
10-208. Testing of fireworks.
10-209. Safety requirements for personnel.
10-210. Prohibited acts; penalties.

Title 11.

Explosives.

Subtitle 1. Licenses to Engage in Business as Manufacturer or Dealer or to Possess Explosives.

- 11-101. Definitions.
 (a) In general.
 (b) Dealer.
 (c) Explosives.
 (d) Explosives for use in firearms.
 (e) Local licensing authority.
 (f) Manufacturer.
11-102. Scope of subtitle.
11-103. Regulations.
11-104. Powers of State Fire Marshal.
11-105. License required; exceptions.
11-106. Applications for licenses.
11-107. Issuance of license.
11-108. Scope of license to engage in business as dealer.
11-109. Term of license.
11-110. Employees of businesses or operations that use explosives.
11-111. Revocations of licenses.
11-112. Records and reports of manufacturers and dealers.
11-113. Reports of theft of explosives.
11-114. Prohibited acts; penalty — In general.
11-115. Prohibited acts; penalty — Explosives for use in firearms; required reports.

PUBLIC SAFETY

- Sec.
11-116. Additional penalties.
11-117. Merger of convictions; preemption among penalties.
11-118. Procedures for action under subtitle.

Subtitle 2. Explosives Advisory Council.

- 11-201 to 11-206. [Repealed].

Title 12.

Building and Material Codes; Other Safety Provisions.

Subtitle 5. Maryland Building Performance Standards.

- 12-501. Definitions.
 (a) In general.
 (b) Building.
 (c) Department.
 (d) International Building Code.
 (e) International Energy Conservation Code.
 (f) International Green Construction Code.
 (g) Local jurisdiction.
 (h) Standards.
 (i) Structure.
12-502. Effect of subtitle.
12-503. Maryland Building Performance Standards.
12-504. Local amendments to Standards and International Green Construction Code.
12-505. Implementation and enforcement of Standards.
12-506. Central automated database.
12-507. Other powers and duties of Department.
12-508. Exemption for agricultural buildings used for agritourism.
12-509. Encouragement of high-performance homes.
12-510. Master control device in hotels.

Subtitle 6. Electrical Code.

- 12-601. Definitions.
 (a) In general.
 (b) Certified nongovernmental electrical inspector.
 (c) Electrical installation.
12-602. Scope of subtitle.
12-603. Electrical installation to conform to code.
12-604. Administration and enforcement.
12-605. Electrical inspection certificates.
12-606. Certification required.
12-607. Qualifications.
12-608. Application.
12-609. Certificate.
12-610. Certificate — Scope.
12-611. Certificate — Expiration and renewal.

- Sec.
12-612. Denials, reprimands, suspensions, and revocations.
12-613. Denials, reprimands, suspensions, and revocations — Hearing.
12-614. Appeal and judicial review.
12-615. Installation of electrical wiring by homeowners.
12-616. Violation of subtitle.

Subtitle 7. Miscellaneous Safety Provisions.

- 12-701. Exit signs in buildings with three or more levels or floors.
12-702. Emergency power and lighting systems for buildings.
12-703. Use of welded “clip-type” connectors as temporary fastening devices.
12-704. Use of structural iron or steel beams or girders with studs or reinforcing shear connectors.
12-705. Lockout tags.

Subtitle 8. Elevator Safety.

Part I. Definitions.

- 12-801. Definitions.
 (a) In general.
 (b) Accessibility lift mechanic.
 (c) Accessibility lift mechanic specialist.
 (d) Board.
 (e) Certificate.
 (f) Cliffside elevator.
 (g) Commissioner.
 (h) Dumbwaiter.
 (i) Elevator.
 (j) Elevator contractor.
 (k) Elevator mechanic.
 (l) Elevator refinisher.
 (m) Elevator renovator contractor.
 (n) Elevator renovator mechanic.
 (o) Elevator unit.
 (p) Escalator.
 (q) License.
 (r) Moving walk.
 (s) Safety Code.
 (t) Secretary.
 (u) Third-party qualified elevator inspector.
12-802, 12-803. [Reserved].

Part II. Registration and Inspection of Elevators.

- 12-804. Scope of part; applicability of other provisions.
12-805. Administration and enforcement.
12-806. Safety standards for elevators.
12-807. Certificate required.
12-808. Registration with Commissioner.
12-809. Inspections generally.
12-810. Final acceptance inspection.
12-811. Issuance of certificate; posting; scope.

FIRE LAWS OF MARYLAND

Sec.

- 12-812. Term of certificate; periodic inspection.
- 12-813. Cancellation of inspection; maintenance of records; filing with Commissioner.
- 12-814. Inspection discloses unsafe conditions.
- 12-814.1. Prohibition against use of unsafe elevator.
- 12-814.2. Citations.
- 12-814.3. Penalties.
- 12-815. Warning signs in case of fire.
- 12-816. Elevator in new building to accommodate rescue litter.
- 12-817, 12-818. [Reserved].

Part III. Elevator Safety Review Board.

- 12-819. Established.
- 12-820. Membership.
- 12-821. Chairman.
- 12-822. Meetings; compensation.
- 12-822.1. Certification of licensing status.
- 12-823. Miscellaneous powers.
- 12-824. Establishment of fees.
- 12-824.1. Elevator Safety Review Board Fund.
- 12-825. Authority of Secretary.
- 12-826. License required; exceptions.
- 12-827. Qualifications of applicants.
- 12-828. Applications for licenses.
- 12-829. Examinations.
- 12-830. Reciprocal waiver of examination requirements.
- 12-831. Issuance of license.
- 12-832. Scope of license.
- 12-833. Term and renewal of license.
- 12-833.1. Reinstatement of license.
- 12-834. Temporary elevator mechanic licenses.
- 12-835. Emergency elevator mechanic licenses.
- 12-836. Insurance requirements.
- 12-837. Denials, refusals to renew, reprimands, suspensions, and revocations — Grounds; civil penalty.
- 12-838. Denials, refusals to renew, reprimands, suspensions, and revocations — Hearings.
- 12-839. Judicial review.
- 12-840. Prohibited acts.
- 12-841. Penalties.
- 12-842. Termination of title.

Subtitle 10. Maryland Building Rehabilitation Code.

- 12-1001. Definitions.
 - (a) In general.
 - (b) Addition.
 - (c) Change of occupancy.
 - (d) Construction permit application.
 - (e) Department.
 - (f) Existing building.
 - (g) Local jurisdiction.
 - (h) MBRC.

Sec.

- (i) Modification.
- (j) Reconstruction.
- (k) Rehabilitation project.
- (l) Renovation.
- (m) Repair.
- 12-1002. Effect of subtitle.
- 12-1003. Maryland Building Rehabilitation Code Advisory Council.
- 12-1004. Maryland Building Rehabilitation Code — In general.
- 12-1005. Contents.
- 12-1006. Conforming changes to other codes and standards.
- 12-1007. Amendments.

Subtitle 11. Carbon Monoxide Alarms.

- 12-1101. Definitions.
 - (a) In general.
 - (b) Carbon monoxide alarm.
 - (c) Dwelling.
 - (d) Hotel.
 - (e) Install.
 - (f) Lodging or rooming house.
 - (g) Rental dwelling unit.
 - (h) Sleeping area.
- 12-1102. Scope.
- 12-1103. Combination of carbon monoxide and smoke alarms.
- 12-1104. Installation of alarms.
- 12-1105. Rendering alarm inoperable prohibited.
- 12-1106. More stringent local laws allowed.

Title 14.

Emergency Management.

Subtitle 1. Maryland Emergency Management Agency Act.

- 14-101. Definitions.
 - (a) In general.
 - (b) Director.
 - (c) Emergency.
 - (d) Emergency management.
 - (e) Local organization for emergency management.
 - (f) MEMA.
 - (g) Political subdivision.
- 14-102. Legislative policy.
- 14-103. Maryland Emergency Management Agency established.
- 14-104. Director of MEMA.
- 14-105. Emergency Management Advisory Council.
- 14-106. Emergency management powers of Governor.
- 14-107. State of emergency — Declaration by Governor.
- 14-108. State of emergency — Declared in another state.
- 14-109. Local organizations for emergency management.

- | | |
|--|---|
| <p>Sec.
 14-110. Local emergency plans.
 14-110.1. Emergency plans for human service facilities.
 14-110.2. Designation of public library as essential community service during emergency.
 14-110.3. Emergency plans for kidney dialysis centers.
 14-111. Local state of emergency.
 14-112. Emergency expenditures; use of existing resources.
 14-113. Enforcement.
 14-114. Prohibited acts; penalties.
 14-115. Short title.</p> <p style="text-align: center;"><i>Subtitle 3A. Governor's Health Emergency Powers.</i></p> <p>14-3A-01. Definitions.
 (a) In general.
 (b) Catastrophic health emergency.
 (c) Deadly agent.
 (d) Exposure to a deadly agent.</p> | <p>Sec.
 (e) Health care provider.
 (f) Secretary.
 14-3A-02. Governor's proclamation.
 14-3A-03. Governor's orders.
 14-3A-04. Isolation or quarantine after refusal to be tested or treated.
 14-3A-05. Directive for isolation or quarantine.
 14-3A-06. Immunity.
 14-3A-07. Construction.
 14-3A-08. Failure to comply.</p> <p style="text-align: center;"><i>Subtitle 8. Maryland Emergency Management Assistance Compact.</i></p> <p>14-801. Definitions.
 (a) In general.
 (b) Authorized representative.
 (c) Compact.
 (d) Emergency responder.
 (e) Jurisdictions.
 (f) Senior elected official.</p> <p>14-802. Participation with other jurisdictions.
 14-803. Maryland Emergency Management Assistance Compact.</p> |
|--|---|

TITLE 1.

DEFINITIONS; GENERAL PROVISIONS.

*Subtitle 2. Employees Killed in Performance of Duty.***§ 1-201. Reward for information.**

(a) *Authority of Governor to offer reward.* — (1) The Governor may offer a reward in the name of the State for information that leads to the arrest and conviction of an individual who causes the death of any of the following individuals who is killed in the performance of duty:

(i) a law enforcement officer of the State or a political subdivision of the State;

(ii) a career or volunteer member of a fire department or ambulance or rescue squad; or

(iii) a sworn member of the office of State Fire Marshal.

(2) On request of the State's Attorney of the county in which the death occurred, the Governor may set a reward for the information in an amount not exceeding \$25,000 in each case.

(3) The determination of the Governor of the individual to whom a reward is to be paid is conclusive.

(b) *Amount included in State budget.* — The Governor shall include in the State budget each year the amount of any reward made under this section. (An. Code 1957, art. 41, § 4-1001; 2003, ch. 5, § 2.)

§ 1-202. Death benefits.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Child” means a natural or adopted, legitimate or illegitimate child or stepchild of the decedent.

(ii) “Child” includes a child or stepchild born posthumously.

(3) “Correctional officer” has the meaning stated in § 8-201(e)(1) of the Correctional Services Article.

(4) “Emergency medical services provider” has the meaning stated in § 13-516 of the Education Article.

(5) “Hazardous material” means any substance regulated as a hazardous material under Title 49 of the Code of Federal Regulations.

(6) “Hazardous material response team employee” means an employee of the Department of the Environment or a local government agency who is on call 24 hours a day to provide emergency response to a discharge of oil or a release of hazardous material or other emergency response activity.

(7) (i) “Law enforcement officer” has the meaning stated in § 3-101 of this article.

(ii) “Law enforcement officer” includes:

1. an officer who serves in a probationary status; and
2. an officer who serves at the pleasure of the appointing authority of a county or municipal corporation.

(8) “Performance of duties” includes, in the case of a volunteer or career firefighter, public safety aviation employee, rescue squad member, or hazardous material response team employee:

- (i) actively participating in fighting a fire;
- (ii) going to or from a fire;
- (iii) performing other duties necessary to the operation or maintenance of the fire company;
- (iv) actively participating in the ambulance, advanced life support, or rescue work of an advanced life support unit or a fire, ambulance, or rescue company, including going to or from an emergency or rescue;
- (v) providing emergency or rescue assistance, whether acting alone or at the direction of or with a fire, ambulance, or rescue company or advanced life support unit;
- (vi) actively participating in flight operations as a crew member in a rotary or fixed wing aircraft; and
- (vii) providing emergency response to a discharge of oil or a release of hazardous material or other emergency response activity.

(9) “Public safety aviation employee” includes a pilot and aviation maintenance technician employed by the State.

(10) “Stepchild” means a child of the surviving spouse who was living with or dependent for support on the decedent at the time of the decedent’s death.

(a-1) *Individuals who served in the Afghanistan or Iraq conflicts.* — For purposes of this section, an individual served in the Afghanistan or Iraq conflict if the individual was a member of the uniform services of the United States who served in:

- (1) Afghanistan or contiguous air space, as defined in federal regulations, on or after October 24, 2001, and before a terminal date to be prescribed by the United States Secretary of Defense; or

(2) Iraq or contiguous waters or air space, as defined in federal regulations, on or after March 19, 2003, and before a terminal date to be prescribed by the United States Secretary of Defense.

(b) *Death benefit.* — (1) Except as provided in subsection (j) of this section and subject to subsection (c) of this section and paragraphs (2) and (3) of this subsection, a death benefit of \$125,000 shall be paid to the surviving spouse, child, dependent parent, or estate of each of the following individuals who is killed or dies in the performance of duties on or after January 1, 2006:

- (i) a law enforcement officer;
- (ii) a correctional officer;
- (iii) a volunteer or career firefighter or rescue squad member;
- (iv) a sworn member of the office of State Fire Marshal;
- (v) a public safety aviation employee;
- (vi) a Maryland resident who was a member of the uniform services of the United States serving in the Afghanistan or Iraq conflict; or
- (vii) a hazardous material response team employee.

(2) For fiscal year 2009, and for each following fiscal year, the death benefit provided in the prior fiscal year shall be adjusted by any change in the calendar year preceding the fiscal year in the Consumer Price Index (All Urban Consumers — United States City Average — All Items), as published by the United States Bureau of Labor Statistics.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, an application for a death benefit under this subsection shall be submitted within 3 years after the death of the decedent.

(ii) If the decedent died before June 1, 2010, an application for a death benefit under this subsection shall be submitted on or before May 31, 2013.

(4) A death benefit under this subsection is in addition to:

- (i) any workers' compensation benefits;
- (ii) the proceeds of any form of life insurance, regardless of who paid the premiums on the insurance; and
- (iii) the funeral benefit provided under subsection (d) of this section.

(5) On receiving notice of the death of an individual described in paragraph (1) of this subsection, the Department of Public Safety and Correctional Services shall take reasonable steps to notify potential recipients of the potential death benefits available under this subsection:

- (i) when the Department receives notice of the death; and
- (ii) again 1 year after the date of the death, if an application for a death benefit with respect to the death of the decedent has not been submitted.

(c) *Heart attack or stroke — Presumptions.* — (1) Whenever an individual identified in subsection (b)(1)(i) through (v) and (vii) of this section dies as the direct and proximate result of a heart attack or stroke, the individual shall be presumed to have died as a direct and proximate result of a personal injury sustained in the performance of duties if:

- (i) the individual, while on duty:
 1. engaged in a situation that involved nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, response to a discharge of oil or a release of hazardous material, emergency medical services,

prison security, disaster relief, flight operations as a crew member in a rotary or fixed wing aircraft, or other emergency response activity; or

2. participated in a training exercise that involved nonroutine stressful or strenuous physical activity;

(ii) the individual died as a result of a heart attack or stroke that the individual suffered:

1. while engaging or participating in an activity described in item (i)1 or 2 of this paragraph;

2. while still on duty after engaging or participating in an activity described in item (i)1 or 2 of this paragraph; or

3. not later than 24 hours after engaging or participating in an activity described in item (i)1 or 2 of this paragraph; and

(iii) the presumption is not overcome by competent medical evidence to the contrary.

(2) For purposes of paragraph (1) of this subsection, nonroutine stressful or strenuous physical activity does not include actions of a clerical, administrative, or nonmanual nature.

(d) *Funeral benefit.* — (1) Except as provided in subsection (j) of this section, reasonable funeral expenses, not exceeding \$10,000, shall be paid to the surviving spouse, child, parent, or estate of each of the following individuals who is killed or dies in the performance of duties:

(i) a law enforcement officer;

(ii) a correctional officer;

(iii) a volunteer or career firefighter or rescue squad member;

(iv) a public safety aviation employee;

(v) a sworn member of the office of State Fire Marshal; or

(vi) a hazardous material response team employee.

(2) The funeral benefit under this subsection shall be reduced by the amount of any related workers' compensation benefits paid under § 9-689 of the Labor and Employment Article.

(e) *Flag benefit.* — (1) The Secretary of State shall issue a State flag to the family of a firefighter, policeman, member of the military, sworn member of the office of State Fire Marshal, or professional or volunteer emergency medical services provider who is killed in the performance of duty.

(2) (i) Except when the deceased is a member of the military, the flag shall be presented to the family of the deceased by the State Senator of the legislative district in which the deceased resided or served.

(ii) When the deceased is a member of the military, the flag shall be presented to the family of the deceased by the Department of Veterans Affairs.

(f) *Discretionary death benefit.* — On a case-by-case basis, the Secretary of Public Safety and Correctional Services may award a death benefit under this section if:

(1) the decedent's death was caused by the decedent's intentional misconduct;

(2) the decedent intended to bring about the decedent's death; or

(3) the decedent's voluntary intoxication was the proximate cause of the decedent's death.

(g) *Recipients of benefits.* — If the Secretary of Public Safety and Correctional Services determines that the benefits under this section are to be paid, the benefits shall be paid:

- (1) to the decedent's surviving spouse;
- (2) if no individual is eligible under item (1) of this subsection, to each surviving child of the decedent in equal shares;
- (3) (i) for a death benefit under subsection (b) of this section, if no individual is eligible under item (1) or (2) of this subsection, to the decedent's surviving parent, if the parent was a dependent as defined in § 152 of the Internal Revenue Code; or
 - (ii) for any other benefit under this section, if no individual is eligible under item (1) or (2) of this subsection, to the decedent's surviving parent; or
- (4) if no individual is eligible under item (1), (2), or (3) of this subsection, to the decedent's estate.

(h) *Money included in State budget.* — Payments under this section shall be made out of money that the Governor includes for that purpose in the State budget.

(i) *Appeal.* — A person aggrieved by a final decision of the Secretary of Public Safety and Correctional Services under this section may seek judicial review as provided for review of final decisions in Title 10, Subtitle 2 of the State Government Article.

(j) *Hazardous material response team employee.* — (1) This subsection applies only to a death benefit under subsection (b) of this section or a funeral benefit under subsection (d) of this section payable on behalf of a hazardous material response team employee employed by a local government agency.

(2) (i) A death benefit or funeral benefit may only be paid if the local government agency that employs the hazardous material response team employee maintains in reserve the amount needed to pay for one death benefit and one funeral expense for a hazardous material response team employee.

(ii) If the Secretary of Public Safety and Correctional Services determines that a death benefit or funeral benefit is to be paid, the local government agency that employed the hazardous material response team employee shall pay to the Department of Public Safety and Correctional Services the funds required to pay the benefit.

(3) (i) A local government agency is not required to place funds in reserve under paragraph (2)(i) of this subsection.

(ii) If a local government agency does not place funds in reserve under paragraph (2)(i) of this subsection, a death benefit or funeral benefit as provided for under this subsection may not be paid. (An. Code 1957, art. 38A, § 44; art. 41, §§ 4-1002, 4-1003; 2003, ch. 5, § 2; 2005, ch. 25, § 13; chs. 264, 427; 2006, chs. 38, 250; ch. 290, § 2; 2007, ch. 203; 2009, chs. 518, 519; 2010, chs. 50, 51, 72, 272; ch. 484, § 3.)

Editor's note. — Section 4, ch. 290, Acts 2006, provides that "Section 2 of this Act shall be construed to apply retroactively and shall be applied to a Maryland resident who was a member of the uniform services of the United States serving in the Afghanistan conflict on or

after October 24, 2001, or the Iraq conflict on or after March 19, 2003."

Section 2, chs. 518 and 519, Acts 2009, provides that "the Department of the Environment shall place in reserve each fiscal year from a combination of the State Hazardous Substance

Control Fund and the Oil Disaster Containment, Cleanup & Contingency Fund the amount needed to pay for one death benefit for a hazardous material response team employee, as provided for under § 1-202 of the Public Safety Article, as enacted by Section 1 of this Act, for the purpose of covering the death benefit, and, in the event of the death of a hazardous material response team employee who qualifies for payment of the death benefit, shall pay to the Department of Public Safety and Correctional Services the funds required to pay the benefit.”

Purpose of section. — The General Assembly enacted this section in order to benefit the surviving spouse or children of law enforcement officers who died in the performance of their duties. 63 Op. Att’y Gen. 237 (1978).

“Benefit.” — Regardless of whether the State or a political subdivision provides a lump-sum payment to the survivors in the form of a

pension benefit, or the proceeds of a self-insurance program, or life insurance proceeds pursuant to contracts with private insurance companies, the survivors of the officer receive a “benefit” which is payable upon the death of the officer. 63 Op. Att’y Gen. 241 (1978).

Causal connection. — This section authorizes payment of a death benefit if a causal connection between the officer’s official responsibilities and officer’s death is established. 73 Op. Att’y Gen. 222 (1988).

Benefits constituting employer/employee relationship. — In an employment discrimination action, the district court’s decision that benefits received by fire company members pursuant to this section were not sufficient as compensation to make them employees under Title VII involved the resolution of a disputed material fact; therefore, summary judgment was inappropriate. *Haavistola v. Community Fire Co.*, 6 F.3d 211 (4th Cir. 1993).

Subtitle 3. 9-1-1 Emergency Telephone System.

§ 1-301. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Additional charge.* — “Additional charge” means the charge imposed by a county in accordance with § 1-311 of this subtitle.

(c) *Board.* — “Board” means the Emergency Number Systems Board.

(d) *Commercial mobile radio service (CMRS).* — “Commercial mobile radio service” or “CMRS” means mobile telecommunications service that is:

(1) provided for profit with the intent of receiving compensation or monetary gain;

(2) an interconnected, two-way voice service; and

(3) available to the public.

(e) *Commercial mobile radio service provider (CMRS provider).* — “Commercial mobile radio service provider” or “CMRS provider” means a person authorized by the Federal Communications Commission to provide CMRS in the State.

(f) *County plan.* — “County plan” means a plan for a 9-1-1 system or enhanced 9-1-1 system, or an amendment to the plan, developed by a county or several counties together under this subtitle.

(g) *Customer.* — (1) “Customer” means:

(i) the person that contracts with a home service provider for CMRS; or

(ii) the end user of the CMRS if the end user of the CMRS is not the contracting party.

(2) “Customer” does not include:

(i) a reseller of CMRS; or

(ii) a serving carrier under an arrangement to serve the customer outside the home service provider’s licensed service area.

(h) *Enhanced 9-1-1 system.* — “Enhanced 9-1-1 system” means a 9-1-1 system that provides:

- (1) automatic number identification;
- (2) automatic location identification; and
- (3) any other technological advancements that the Board requires.

(i) *FCC order*. — “FCC order” means an order issued by the Federal Communications Commission under proceedings regarding the compatibility of enhanced 9-1-1 systems and delivery of wireless enhanced 9-1-1 service.

(j) *Home service provider*. — “Home service provider” means the facilities-based carrier or reseller that contracts with a customer to provide CMRS.

(k) *Next Generation 9-1-1 services*. — “Next Generation 9-1-1 services” means an Internet Protocol (IP)-based system, comprised of hardware, software, data, and operational policies and procedures, that:

(1) provides standardized interfaces from emergency call and message services to support emergency communications;

(2) processes all types of requests for emergency services, including voice, text, data, and multimedia information;

(3) acquires and integrates additional emergency call data useful to routing and handling of requests for emergency services;

(4) delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(5) supports data or video communications needs for coordinated incident response and management; and

(6) provides broadband service to public safety answering points or other first responder entities.

(l) *9-1-1-accessible service*. — “9-1-1-accessible service” means telephone service or another communications service that connects an individual dialing the digits 9-1-1 to an established public safety answering point.

(m) *9-1-1 fee*. — “9-1-1 fee” means the fee imposed in accordance with § 1-310 of this subtitle.

(n) *9-1-1 service carrier*. — (1) “9-1-1 service carrier” means a provider of CMRS or other 9-1-1-accessible service.

(2) “9-1-1 service carrier” does not include a telephone company.

(o) *9-1-1 specialist*. — “9-1-1 specialist” means an employee of a county public safety answering point, or an employee working in a county public safety answering point, whose duties and responsibilities include:

(1) receiving and processing 9-1-1 requests for emergency services;

(2) other support functions directly related to 9-1-1 requests for emergency services; or

(3) dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency.

(p) *9-1-1 system*. — (1) “9-1-1 system” means telephone service that:

(i) meets the planning guidelines established under this subtitle; and

(ii) automatically connects an individual dialing the digits 9-1-1 to an established public safety answering point.

(2) “9-1-1 system” includes:

(i) equipment for connecting and outswitching 9-1-1 calls within a telephone central office;

(ii) trunking facilities from a telephone central office to a public safety answering point; and

(iii) equipment to connect 9-1-1 calls to the appropriate public safety agency.

(q) *9-1-1 Trust Fund*. — “9-1-1 Trust Fund” means the fund established under § 1-308 of this subtitle.

(r) *Prepaid wireless E 9-1-1 fee*. — “Prepaid wireless E 9-1-1 fee” means the fee that is required to be collected by a seller from a consumer in the amount established under § 1-313 of this subtitle.

(s) *Prepaid wireless telecommunications service*. — “Prepaid wireless telecommunications service” means a commercial mobile radio service that:

- (1) allows a consumer to dial 9-1-1 to access the 9-1-1 system;
- (2) must be paid for in advance; and
- (3) is sold in predetermined units that decline with use in a known amount.

(t) *Public safety agency*. — “Public safety agency” means:

- (1) a functional division of a public agency that provides fire fighting, police, medical, or other emergency services; or
- (2) a private entity that provides fire fighting, police, medical, or other emergency services on a voluntary basis.

(u) *Public safety answering point*. — “Public safety answering point” means a communications facility that:

- (1) is operated on a 24-hour basis;
- (2) first receives 9-1-1 requests for emergency services in a 9-1-1 service area; and
- (3) as appropriate, dispatches public safety services directly, or transfers 9-1-1 requests for emergency services to appropriate public safety agencies.

(v) *Secretary*. — “Secretary” means the Secretary of Public Safety and Correctional Services.

(w) *Seller*. — “Seller” means a person that sells prepaid wireless telecommunications service to another person.

(x) *Wireless enhanced 9-1-1 service*. — “Wireless enhanced 9-1-1 service” means enhanced 9-1-1 service under an FCC order. (An. Code 1957, art. 41, § 18-101(f) (intro. lang.), (f)(3)-(10), (12)-(16); 2003, ch. 5, § 2; ch. 451; 2012, ch. 425; 2013, ch. 313; 2019, chs. 301, 302.)

Effect of amendments. — Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each substituted “Generation” for “generation” in the introductory lan-

guage of (k); in (k)(2), (k)(3), (u)(2), and (u)(3) substituted “requests for emergency services” for “emergency calls” and variants; and added (o) and redesignated accordingly.

§ 1-302. Legislative findings and declarations; purposes of subtitle.

(a) *Legislative findings and declarations*. — The General Assembly:

- (1) recognizes the paramount importance of the safety and well-being of the public;
- (2) recognizes that timely and appropriate assistance must be provided when the lives or property of the public are in imminent danger;

(3) recognizes that emergency assistance usually is summoned by telephone, and that a multiplicity of emergency telephone numbers existed throughout the State and within each county;

(4) was concerned that avoidable delays in reaching appropriate emergency assistance were occurring to the jeopardy of life and property;

(5) acknowledges that the three digit number, 9-1-1, is a nationally recognized and applied telephone number that may be used to summon emergency assistance and to eliminate delays caused by lack of familiarity with emergency numbers and by confusion in circumstances of crisis; and

(6) recognizes that all end user customers of 9-1-1-accessible services, including consumers of prepaid wireless telecommunications service, should contribute in a fair and equitable manner to the 9-1-1 Trust Fund.

(b) *Purposes of subtitle.* — The purposes of this subtitle are to:

(1) establish the three digit number, 9-1-1, as the primary emergency telephone number for the State; and

(2) provide for the orderly installation, maintenance, and operation of 9-1-1 systems in the State. (An. Code 1957, art. 41, § 18-101(a)-(e); 2003, ch. 5, § 2; 2013, ch. 313.)

Recording of calls as public records subject to disclosure. — Recording of calls to 911 emergency telephone system are public records and subject to disclosure under the Public Information Act except for medical or psycholog-

ical information about an individual, for recordings of calls for police assistance where disclosure would be contrary to public interest and where a court order prevents disclosure. 71 Op. Att’y Gen. 288 (1986).

§ 1-302.1. Classification and compensation of 9-1-1 specialists.

(a) *Legislative findings.* — The General Assembly finds that 9-1-1 specialists are key members of the team of public safety personnel responding to requests from the public for emergency assistance.

(b) *In general.* — It is the intent of the General Assembly that jurisdictions employing 9-1-1 specialists:

(1) appropriately classify 9-1-1 specialists in recognition of the training, knowledge, and skills that 9-1-1 specialists possess and demonstrate in answering and handling requests for emergency assistance; and

(2) compensate 9-1-1 specialists in a manner that:

(i) reflects their membership in the team of public safety personnel answering and responding to requests for emergency assistance; and

(ii) is commensurate with the training, knowledge, and skills they possess. (2019, ch. 299, § 1; ch. 300, § 1.)

Editor’s note. — Section 4, chs. 299 and 300, Acts 2019, provides that the acts shall take effect June 1, 2019.

§ 1-303. Effects of subtitle.

(a) *On public service companies.* — (1) This subtitle does not require a public service company to provide any equipment or service other than in accordance with tariffs approved by the Public Service Commission.

(2) The provision of services, the rates, and the extent of liability of a public service company are governed by the tariffs approved by the Public Service Commission.

(b) *On 9-1-1 service carriers.* — (1) This subtitle does not require a 9-1-1 service carrier to provide any equipment or service other than the equivalent of the equipment and service required of a telephone company under subsection (a) of this section.

(2) This subtitle does not extend any liability to a 9-1-1 service carrier or seller of prepaid wireless telecommunications service. (An. Code 1957, art. 41, § 18-106(a), (b); 2003, ch. 5, § 2; 2013, ch. 313; 2019, chs. 301, 302.)

Effect of amendments. — Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each reenacted the section without change.

Editor's note. — Section 2, ch. 158, Acts 1995, provides that “to the extent possible under other laws, the Comptroller and any other

agency responsible for the collection, administration, or distribution of revenues from the 911 fee and additional charge under the provisions of this Act shall retain as confidential any information regarding the 911 service carriers and their remittance of revenues under the provisions of this Act.”

§ 1-304. Enhanced 9-1-1 system required.

(a) *In general.* — Each county shall have in operation an enhanced 9-1-1 system.

(b) *Multicounty system.* — If implementation is preceded by cooperative planning, the enhanced 9-1-1 system required under subsection (a) of this section may operate as part of a multicounty system.

(c) *Services available through 9-1-1 system.* — (1) Services available through a 9-1-1 system shall include police, fire fighting, and emergency ambulance services.

(2) Other emergency and civil defense services may be incorporated into the 9-1-1 system at the discretion of the county or counties served by the 9-1-1 system.

(d) *Telephone numbers for emergency and nonemergency calls.* — (1) The digits 9-1-1 are the primary emergency telephone number in the 9-1-1 system.

(2) A public safety agency whose services are available through the 9-1-1 system:

(i) may maintain a separate secondary backup telephone number for emergency calls; and

(ii) shall maintain a separate telephone number for nonemergency calls.

(e) *Educational information.* — Educational information that relates to emergency services made available by the State or a county:

(1) shall designate the number 9-1-1 as the primary emergency telephone number; and

(2) may include a separate secondary backup telephone number for emergency calls.

(f) *Notification and referral of calls for assistance.* — (1) Each public safety answering point shall notify the public safety agencies in a county 9-1-1 system of requests for emergency services in the county.

(2) Written guidelines shall be developed to govern the referral of requests for emergency services to the appropriate public safety agency.

(3) State, county, and local public safety agencies with concurrent jurisdiction shall have written agreements to ensure a clear understanding of which specific requests for emergency services will be referred to which public safety agency.

(g) *Cooperative agreements for allocation of costs.* — Counties, other units of local government, public safety agencies, and public safety answering points may enter into cooperative agreements for the allocation of maintenance, operational, and capital costs attributable to the 9-1-1 system. (An. Code 1957, art. 41, § 18-102; 2003, ch. 5, § 2; 2019, chs. 301, 302.)

Effect of amendments. — Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each substituted “requests for emergency services” for “calls for assistance” throughout (f).

§ 1-305. Emergency Number Systems Board.

(a) *Established.* — There is an Emergency Number Systems Board in the Department of Public Safety and Correctional Services.

(b) *Composition; appointment of members.* — (1) The Board consists of 17 members.

(2) Of the 17 members:

(i) one member shall represent a telephone company operating in the State;

(ii) one member shall represent the wireless telephone industry in the State;

(iii) one member shall represent the Maryland Institute for Emergency Medical Services Systems;

(iv) one member shall represent the Department of State Police;

(v) one member shall represent the Public Service Commission;

(vi) one member shall represent the Association of Public-Safety Communications Officials International, Inc.;

(vii) two members shall represent county fire services in the State, with one member representing career fire services and one member representing volunteer fire services;

(viii) one member shall represent police services in the State;

(ix) two members shall represent emergency management services in the State;

(x) one member shall represent a county with a population of 200,000 or more;

(xi) one member shall represent a county with a population of less than 200,000;

(xii) one member shall represent the Maryland chapter of the National Emergency Numbers Association;

(xiii) one member shall represent the geographical information systems in the State; and

(xiv) two members shall represent the public.

(3) The Governor shall appoint the members with the advice and consent of the Senate.

(c) *Tenure; vacancies.* — (1) The term of a member is 4 years and begins on July 1.

(2) The terms of the members are staggered as required by the terms provided for members of the Board on October 1, 2003.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) If a vacancy occurs after a term has begun, the Governor shall appoint a successor to represent the organization or group in which the vacancy occurs.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) *Chairperson.* — The Governor shall appoint a chairperson from among the Board members.

(e) *Meetings.* — The Board shall meet as necessary, but at least once each quarter.

(f) *Compensation; reimbursement for expenses.* — A member of the Board:

(1) may not receive compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) *Staff.* — The Secretary shall provide staff to the Board, including:

(1) a coordinator who is responsible for the daily operation of the office of the Board; and

(2) staff to handle the increased duties related to wireless enhanced 9-1-1 service. (An. Code 1957, art. 41, § 18-103(a)-(g); 2003, ch. 5, § 2; ch. 451; 2008, ch. 21.)

§ 1-306. Responsibilities of Board — Coordination of enhancement of 9-1-1 systems.

(a) *In general.* — The Board shall coordinate the enhancement of county 9-1-1 systems.

(b) *Specific responsibilities.* — The Board's responsibilities include:

(1) establishing planning guidelines for enhanced 9-1-1 system plans and deployment of wireless enhanced 9-1-1 service in accordance with this subtitle;

(2) establishing procedures to review and approve or disapprove county plans and to evaluate requests for variations from the planning guidelines established by the Board;

(3) establishing procedures for the request for reimbursement of the costs of enhancing a 9-1-1 system by a county or counties in which a 9-1-1 system is in operation, and procedures to review and approve or disapprove the request;

(4) transmitting the planning guidelines and procedures established under this section, and any amendments to them, to the governing body of each county;

(5) submitting to the Secretary each year a schedule for implementing the enhancement of county or multicounty 9-1-1 systems, and an estimate of funding requirements based on the approved county plans;

(6) developing, with input from counties, and publishing on or before July 1, 2004, an implementation schedule for deployment of wireless enhanced 9-1-1 service;

(7) reviewing and approving or disapproving requests for reimbursement of the costs of enhancing 9-1-1 systems, and submitting to the Secretary each year a schedule for reimbursement and an estimate of funding requirements;

(8) reviewing the enhancement of 9-1-1 systems;

(9) providing for an audit of county expenditures for the operation and maintenance of 9-1-1 systems;

(10) ensuring inspections of public safety answering points;

(11) reviewing and approving or disapproving requests from counties with operational enhanced 9-1-1 systems to be exempted from the expenditure limitations under § 1-312 of this subtitle;

(12) authorizing expenditures from the 9-1-1 Trust Fund that:

(i) are for enhancements of 9-1-1 systems that:

1. are required by the Board;

2. will be provided to a county by a third party contractor; and

3. will incur costs that the Board has approved before the formation of a contract between the county and the contractor; and

(ii) are approved by the Board for payment:

1. from money collected under § 1-310 of this subtitle; and

2. directly to a third party contractor on behalf of a county;

(13) establishing planning guidelines for Next Generation 9-1-1 services system plans and deployment of Next Generation 9-1-1 services in accordance with this subtitle;

(14) establishing minimum standards for records retention guidelines for 9-1-1 audio, pictures, video, text messages, and data;

(15) establishing training standards for public safety answering point personnel based on national best practices; and

(16) establishing minimum standards for cybersecurity, oversight, and accountability of service level agreements between counties and core service providers of Next Generation 9-1-1 services.

(c) *Planning guidelines.* — The guidelines established by the Board under subsection (b)(1) and (13) of this section:

(1) shall be based on available technology and equipment;

(2) shall require Next Generation 9-1-1 services systems to be interconnected and interoperable, as determined by the Board; and

(3) may be based on any other factor that the Board determines is appropriate, including population and area served by 9-1-1 systems.

(d) *Standards.* — The standards established by the Board under subsection (b)(14) of this section shall include procedures for:

(1) the security of the records;

(2) the establishment and revision, in accordance with the regulations, of record retention and disposal schedules to ensure the prompt and orderly disposition of records, including electronic records, that are no longer needed for operation; and

(3) the maintenance of inventories of records series that are accurate and complete.

(e) *Minimum standards for 9-1-1 systems and services.* — The Board shall:

(1) establish minimum standards for 9-1-1 systems, enhanced 9-1-1 systems, and Next Generation 9-1-1 services that ensure improved access for individuals with disabilities and individuals who use assistive technologies, including mandatory connectivity requirements for core service providers for Next Generation 9-1-1 services to device-based and cloud-based data repositories; and

(2) update the standards adopted in accordance with item (1) of this subsection based on available technology and equipment. (An. Code 1957, art. 41, § 18-103(h); 2003, ch. 5, § 2; ch. 21, § 7; ch. 451; 2007, ch. 5; 2012, ch. 425; 2019, chs. 301, 302.)

Effect of amendments. — Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each made stylistic changes in (b)(13); added (b)(14) through (b)(16); and added (c)(2), (d), and (e) and redesignated accordingly.

§ 1-307. Responsibilities of Board — Annual report.

(a) *Required.* — The Board shall submit an annual report to the Governor, the Secretary, and, subject to § 2-1257 of the State Government Article, the Legislative Policy Committee.

(b) *Contents.* — The report shall provide the following information for each county:

- (1) the type of 9-1-1 system currently operating in the county;
- (2) the total 9-1-1 fee and additional charge charged;
- (3) the funding formula in effect;
- (4) any statutory or regulatory violation by the county and the response of the Board;
- (5) any efforts to establish an enhanced 9-1-1 system in the county; and
- (6) any suggested changes to this subtitle. (An. Code 1957, art. 41, § 18-103(j); 2003, ch. 5, § 2; 2019, chs. 301, 302; ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each reenacted the section without change. State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

Editor’s note. — Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the

§ 1-308. 9-1-1 Trust Fund.

(a) *Established.* — There is a 9-1-1 Trust Fund.

(b) *Purposes.* — (1) Except as provided in paragraph (2) of this subsection and subject to § 1-309.1 of this subtitle, the purposes of the 9-1-1 Trust Fund are to:

- (i) reimburse counties for the cost of enhancing a 9-1-1 system;
 - (ii) pay contractors in accordance with § 1-306(b)(12) of this subtitle;
- and

(iii) fund the coordinator position and staff to handle the increased duties related to wireless enhanced 9-1-1 service under § 1-305 of this subtitle, as an administrative cost.

(2) Subject to paragraph (3) of this subsection and beginning January 1, 2020, in addition to the purposes described under paragraph (1) of this subsection, the purposes of the 9-1-1 Trust Fund include:

(i) funding the operation and maintenance of 9-1-1 systems, enhanced 9-1-1 systems, and Next Generation 9-1-1 services, including:

1. equipment and software utilized directly for providing 9-1-1 services by a public safety answering point;

2. protocol systems and software utilized directly for providing 9-1-1 services by a public safety answering point;

3. interpretation services provided for a public safety answering point;

4. services provided for a public safety answering point to ensure improved access to individuals with disabilities and other individuals who use assistive technology; and

5. voice, data, and call log recorders utilized to capture information from 9-1-1 systems, enhanced 9-1-1 systems, and Next Generation 9-1-1 services;

(ii) funding the operation and maintenance of 9-1-1 systems, enhanced 9-1-1 systems, and Next Generation 9-1-1 services connectivity and infrastructure equipment, including:

1. automatic number and location identification; and

2. Primary Rate Interface and Session Initiation Protocol trunking for 10-digit emergency and nonemergency lines;

(iii) funding geographical information systems hardware, software, data development, and data management costs incurred for the effective operation of 9-1-1 systems, enhanced 9-1-1 systems, and Next Generation 9-1-1 services, including:

1. mapping equipment;

2. interfaces to computer-aided dispatch; and

3. geographical information systems base layer development and management;

(iv) funding public safety answering point facilities costs, including access control, security systems, and standby power;

(v) funding costs for public education materials;

(vi) funding the training of county personnel working in or directly supporting a public safety answering point;

(vii) funding the provision of tuition reimbursement for 9-1-1 specialists for educational programs related to the 9-1-1 specialist career field; and

(viii) funding costs to maintain the cybersecurity of 9-1-1 systems, enhanced 9-1-1 systems, and Next Generation 9-1-1 services.

(3) Funding allocated in accordance with paragraph (2) of this subsection may not be utilized for the payment of the salary of public safety answering point personnel or county personnel.

(c) *Composition.* — The 9-1-1 Trust Fund consists of:

(1) money from the 9-1-1 fee collected and remitted to the Comptroller under § 1-310 of this subtitle;

(2) money from the additional charge collected and remitted to the Comptroller under § 1-311 of this subtitle;

(3) money from the prepaid wireless E 9-1-1 fee collected and remitted to the Comptroller under § 1-313 of this subtitle; and

(4) investment earnings of the 9-1-1 Trust Fund.

(d) *Money in 9-1-1 Trust Fund.* — Money in the 9-1-1 Trust Fund shall be held in the State Treasury.

(e) *Administration.* — The Secretary shall administer the 9-1-1 Trust Fund, subject to the guidelines for financial management and budgeting established by the Department of Budget and Management.

(f) *Establishment of separate accounts.* — The Secretary shall direct the Comptroller to establish separate accounts in the 9-1-1 Trust Fund for the payment of administrative expenses and for each county.

(g) *Income from investments.* — (1) Any investment earnings shall be credited to the 9-1-1 Trust Fund.

(2) The Comptroller shall allocate the investment income among the accounts in the 9-1-1 Trust Fund, prorated on the basis of the total fees collected in each county. (An. Code 1957, art. 41, §§ 18-103(d), 18-105(a), (e); 2003, ch. 5, § 2; ch. 451; 2013, ch. 313; 2019, chs. 301, 302.)

Effect of amendments. — Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each added the (b)(1) designation at the beginning of (b), added the exception at the beginning of (b)(1), added (b)(2) and (b)(3), and redesignated accordingly.

Editor's note. — Section 2, chs. 301 and 302, Acts 2019, provides that “for State operating budgets beginning with fiscal 2020, the Governor shall provide a plan for repayment to the 9-1-1 Trust Fund any monies transferred from the 9-1-1 Trust Fund under budget reconciliation and financing legislation or by other means that would result in the use of the monies for a purpose other than the original intended use.”

Disclosure of address and date of execution of a search warrant related to a drug violation. — A wireless carrier is not entitled to recover from the 911 Trust Fund the costs of providing enhanced 911 services to its customers; however, the Emergency Number Systems Board has discretion to approve payments from the fund for these costs, if the company incurs the costs pursuant to a contract with a local government, if the request is consistent with local plans for enhanced 911 services, and if the expenses otherwise qualify for reimbursement under the State 911 Law. 87 Op. Att’y Gen. 83 (June 4, 2002).

§ 1-309. Appropriations and disbursements from 9-1-1 Trust Fund.

(a) *Annual appropriation.* — On recommendation of the Board, each year the Secretary shall request an appropriation from the 9-1-1 Trust Fund in an amount sufficient to:

(1) carry out the purposes of this subtitle;

(2) pay the administrative costs chargeable to the 9-1-1 Trust Fund; and

(3) reimburse counties for the cost of enhancing a 9-1-1 system.

(b) *Disbursements — In general.* — (1) Subject to the limitations under subsection (e) of this section, the Comptroller shall disburse the money in the 9-1-1 Trust Fund as provided in this subsection.

(2) Each July 1, the Comptroller shall allocate sufficient money from the 9-1-1 fee to pay the costs of administering the 9-1-1 Trust Fund.

(3) As directed by the Secretary and in accordance with the State budget, the Comptroller, from the appropriate account, shall:

(i) reimburse counties for the cost of enhancing a 9-1-1 system;

(ii) pay contractors in accordance with § 1-306(b)(12) of this subtitle; and

(iii) pay the costs associated with maintenance, operations, and programs approved by the Board in accordance with § 1-308(b) of this subtitle.

(4) (i) The Comptroller shall pay to each county from its account the money requested by the county to pay the maintenance and operation costs of the county's 9-1-1 system in accordance with the State budget.

(ii) The Comptroller shall pay the money for maintenance and operation costs on September 30, December 31, March 31, and June 30 of each year.

(c) *Disbursements — Use of money accruing to 9-1-1 Trust Fund.* — (1) Money accruing to the 9-1-1 Trust Fund may be used as provided in this subsection.

(2) Money collected from the 9-1-1 fee may be used only to:

(i) pay the administrative costs chargeable to the 9-1-1 Trust Fund;

(ii) reimburse counties for the cost of enhancing a 9-1-1 system;

(iii) pay contractors in accordance with § 1-306(b)(12) of this subtitle; and

(iv) pay the costs associated with maintenance, operations, and programs approved by the Board in accordance with § 1-308(b) of this subtitle.

(3) Money collected from the additional charge may be used by the counties only for the maintenance and operation costs of the 9-1-1 system.

(4) Money collected from the prepaid wireless E 9-1-1 fee shall be used as follows:

(i) 25% for the same purpose as the 9-1-1 fee under paragraph (2) of this subsection; and

(ii) 75% for the same purpose as the additional charge under paragraph (3) of this subsection, prorated on the basis of the total fees collected in each county.

(d) *Disbursements — Reimbursements for 9-1-1 system enhancements.* — (1) Reimbursement may be made only to the extent that county money was used to enhance the 9-1-1 system.

(2) Reimbursement for the enhancement of 9-1-1 systems shall include the installation of equipment for automatic number identification, automatic location identification, and other technological advancements that the Board requires.

(3) Reimbursement from money collected from the 9-1-1 fee may be used only for 9-1-1 system enhancements approved by the Board.

(e) *Withholding money of county.* — (1) The Board may direct the Comptroller to withhold from a county money for 9-1-1 system expenditures if the county violates this subtitle or a regulation of the Board.

(2) (i) The Board shall state publicly in writing its reason for withholding money from a county and shall record its reason in the minutes of the Board.

(ii) On reaching its decision to withhold money, the Board shall notify the county.

(iii) The county has 30 days after the date of notification to respond in writing to the Board.

(3) (i) On notification by the Board, the Comptroller shall hold money for the county in the county's account in the 9-1-1 Trust Fund.

(ii) Money held by the Comptroller under subparagraph (i) of this paragraph does not accrue interest for the county.

(iii) Interest income earned on money held by the Comptroller under subparagraph (i) of this paragraph accrues to the 9-1-1 Trust Fund.

(4) County money withheld by the Comptroller shall be withheld until the Board directs the Comptroller to release the money.

(f) *Audits.* — (1) The Legislative Auditor may conduct fiscal/compliance audits of the 9-1-1 Trust Fund and of the appropriations and disbursements made for purposes of this subtitle.

(2) The cost of the fiscal portion of the audits shall be paid from the 9-1-1 Trust Fund as an administrative cost. (An. Code 1957, art. 41, §§ 18-103(i), 18-105(f), (g), 18-107(a), (b), (f); 2003, ch. 5, § 2; ch. 451; 2013, ch. 313; 2016, ch. 49; 2019, chs. 301, 302.)

Effect of amendments. — Chapter 49, Acts 2016, effective July 1, 2016, substituted “may conduct” for “shall conduct” in (f)(1).

Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each added (b)(3)(iii); added “only” in the introductory language of (c)(2) and (c)(3), added (c)(2)(i) and (c)(2)(iv) and redesignated accordingly; in (c)(4) substituted “shall” for “may”; and made related changes.

Disclosure of address and date of execution of a search warrant related to a drug

violation. — A wireless carrier is not entitled to recover from the 911 Trust Fund the costs of providing enhanced 911 services to its customers; however, the Emergency Number Systems Board has discretion to approve payments from the fund for these costs, if the company incurs the costs pursuant to a contract with a local government, if the request is consistent with local plans for enhanced 911 services, and if the expenses otherwise qualify for reimbursement under the State 911 Law. 87 Op. Att’y Gen. 83 (June 4, 2002).

§ 1-309.1. Cybersecurity standards for public safety answering points.

(a) *Establishment of standards.* — In consultation with the Maryland Cybersecurity Council established under § 9-2901 of the State Government Article, the Board shall establish cybersecurity standards for public safety answering points based on national industry and 9-1-1 system trade association best practices, including standards concerning response protocols in the event of a cybersecurity attack on a public safety answering point.

(b) *Examination of cybersecurity and report of results.* — At least once each year on a date determined by the Board and in advance of submitting a request for or receiving any money from the 9-1-1 Trust Fund, the director of each public safety answering point shall examine the cybersecurity of the public safety answering point to determine whether the cybersecurity defenses employed by the public safety answering point satisfy the standards established by the Board under subsection (a) of this section and submit to the Board a report detailing the results of that exercise.

(c) *Failure to submit report.* — If a director of a public safety answering point fails to submit a report required under subsection (b) of this section, the Board may not authorize any money from the 9-1-1 Trust Fund to be paid to a county serviced by the public safety answering point until that report has been submitted. (2019, chs. 301, 302.)

Editor's note. — Section 3, chs. 301 and 302, Acts 2019, provides that the acts shall take effect July 1, 2019.

§ 1-310. 9-1-1 fee.

(a) *Inapplicable to prepaid wireless telecommunications service.* — This section does not apply to prepaid wireless telecommunications service.

(b) *In general.* — Each subscriber to switched local exchange access service or CMRS or other 9-1-1-accessible service shall pay a 9-1-1 fee.

(c) *Amount; when payable.* — (1) Subject to paragraphs (2) through (5) of this subsection, the 9-1-1 fee is 50 cents per month for each switched local exchange access service, CMRS, or other 9-1-1-accessible service provided, payable when the bill for the service is due.

(2) Except as provided in paragraphs (3) through (5) of this subsection, if a service provider provisions to the same individual or person the voice channel capacity to make more than one simultaneous outbound call from a 9-1-1-accessible service, each separate outbound call voice channel capacity, regardless of the technology, shall constitute a separate 9-1-1-accessible service for purposes of calculating the 9-1-1 fee due under paragraph (1) of this subsection.

(3) CMRS provided to multiple devices that share a mobile telephone number shall be treated as a single 9-1-1-accessible service for purposes of calculating the 9-1-1 fee due under paragraph (1) of this subsection.

(4) A broadband connection not used for telephone service may not constitute a separate voice channel capacity for purposes of calculating the 9-1-1 fee due under paragraph (1) of this subsection.

(5) (i) For a telephone service that provides, to multiple locations, shared simultaneous outbound voice channel capacity configured to provide local dial in different states, the voice channel capacity to which the 9-1-1 fee due under paragraph (1) of this subsection applies is only the portion of the shared voice channel capacity in the State identified by the service supplier's books and records.

(ii) In determining the portion of shared capacity in the State, a service supplier may rely on, among other factors, a customer's certification of the customer's allocation of capacity in the State, which may be based on:

1. each end user location;
2. the total number of end users; and
3. the number of end users at each end user location.

(d) *Collection — By telephone companies.* — (1) The Public Service Commission shall direct each telephone company to add the 9-1-1 fee to all current bills rendered for switched local exchange access service in the State.

(2) Each telephone company:

(i) shall act as a collection agent for the 9-1-1 Trust Fund with respect to the 9-1-1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover

the expenses of billing, collecting, and remitting the 9-1-1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

(e) *Collection — By 9-1-1 service carriers.* — (1) Each 9-1-1 service carrier shall add the 9-1-1 fee to all current bills rendered for CMRS or other 9-1-1-accessible service in the State.

(2) Each 9-1-1 service carrier:

(i) shall act as a collection agent for the 9-1-1 Trust Fund with respect to the 9-1-1 fees;

(ii) shall remit all money collected to the Comptroller on a monthly basis; and

(iii) is entitled to credit, against the money from the 9-1-1 fees to be remitted to the Comptroller, an amount equal to 0.75% of the 9-1-1 fees to cover the expenses of billing, collecting, and remitting the 9-1-1 fees and any additional charges.

(3) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund.

(4) The Board shall adopt procedures for auditing surcharge collection and remittance by CMRS providers.

(5) On request of a CMRS provider, and except as otherwise required by law, the information that the CMRS provider reports to the Board shall be confidential, privileged, and proprietary and may not be disclosed to any person other than the CMRS provider.

(f) *Applicability to intermediate service lines.* — Notwithstanding any other provision of this subtitle, the 9-1-1 fee does not apply to an intermediate service line used exclusively to connect a CMRS or other 9-1-1-accessible service, other than a switched local access service, to another telephone system or switching device.

(g) *Liability of CMRS providers.* — A CMRS provider that pays or collects 9-1-1 fees under this section has the same immunity from liability for transmission failures as that approved by the Public Service Commission for local exchange telephone companies that are subject to regulation by the Commission under the Public Utilities Article. (An. Code 1957, art. 41, §§ 18-105(b), (d), 18-106(c); 2003, ch. 5, § 2; ch. 451; 2010, ch. 52; 2013, ch. 313; 2019, chs. 301, 302.)

Effect of amendments. — Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each substituted “switched” for “switch” in (b); and rewrote (c).

Editor’s note. — Chapters 301 and 302, Acts 2019, were almost identical acts; ch. 301 was followed for (c)(2) and (c)(3).

Disclosure of address and date of execution of a search warrant related to a drug violation. — A wireless carrier is not entitled to recover from the 911 Trust Fund the costs of providing enhanced 911 services to its customers; however, the Emergency Number Systems

Board has discretion to approve payments from the fund for these costs, if the company incurs the costs pursuant to a contract with a local government, if the request is consistent with local plans for enhanced 911 services, and if the expenses otherwise qualify for reimbursement under the State 911 Law. 87 Op. Att’y Gen. 83 (June 4, 2002).

Prepaid Lifeline participants not required to pay 9-1-1 fees. — Low-income individuals who receive a free cellphone and a monthly allotment of free minutes from a prepaid wireless company through the federal gov-

ernment's Lifeline program are not required to pay the fees that fund Maryland's 9-1-1 system. 99 Op. Att'y Gen. 208 (December 5, 2014).

§ 1-311. Additional charge.

(a) *Inapplicable to prepaid wireless telecommunications service.* — This section does not apply to prepaid wireless telecommunications service.

(b) *Authorized.* — In addition to the 9-1-1 fee, the governing body of each county, by ordinance or resolution enacted or adopted after a public hearing, may impose an additional charge to be added to all current bills rendered for switched local exchange access service or CMRS or other 9-1-1-accessible service in the county.

(c) *Determination of amount.* — (1) Except as provided in paragraph (2) of this subsection and subject to paragraphs (3) through (6) of this subsection, the additional charge imposed by a county may not exceed 75 cents per month for each switched local exchange access service, CMRS, or other 9-1-1-accessible service provided.

(2) If revenues attributable to the additional charge for a fiscal year do not provide the revenues necessary to cover a county's operational costs for the 9-1-1 system for that fiscal year, the county may, for the following fiscal year, impose an additional charge not exceeding \$1.50 per month for each switched local exchange access service, CMRS, or other 9-1-1-accessible service provided.

(3) Except as provided in paragraphs (4) through (6) of this subsection, if a service provider provisions to the same individual or person the voice channel capacity to make more than one simultaneous outbound call from a 9-1-1-accessible service, each separate outbound call voice channel capacity, regardless of the technology, shall constitute a separate 9-1-1-accessible service for purposes of calculating the additional charges due under paragraphs (1) and (2) of this subsection.

(4) CMRS provided to multiple devices that share a mobile telephone number shall be treated as a single 9-1-1-accessible service for purposes of calculating the additional charges due under paragraphs (1) and (2) of this subsection.

(5) A broadband connection not used for telephone service may not constitute a separate voice channel capacity for purposes of calculating the additional charges due under paragraphs (1) and (2) of this subsection.

(6) (i) For a telephone service that provides, to multiple locations, shared simultaneous outbound voice channel capacity configured to provide local dial in different states or counties, the voice channel capacity to which the 9-1-1 fee due under paragraphs (1) and (2) of this subsection applies is only the portion of the shared voice channel capacity in the county identified by the service supplier's books and records.

(ii) In determining the portion of shared capacity in the county, a service supplier may rely on, among other factors, a customer's certification of the customer's allocation of capacity in the county, which may be based on:

1. each end user location;

2. the total number of end users; and
3. the number of end users at each end user location.

(7) The amount of the additional charges may not exceed a level necessary to cover the total eligible maintenance and operation costs of the county.

(d) *Duration.* — The additional charge continues in effect until repealed or modified by a subsequent county ordinance or resolution.

(e) *Certification to Public Service Commission.* — After imposing, repealing, or modifying an additional charge, the county shall certify the amount of the additional charge to the Public Service Commission.

(f) *Addition to bills — By telephone companies.* — The Public Service Commission shall direct each telephone company that provides service in a county that imposed an additional charge to add, within 60 days, the full amount of the additional charge to all current bills rendered for switched local exchange access service in the county.

(g) *Addition to bills — By 9-1-1 service carriers.* — Within 60 days after a county enacts or adopts an ordinance or resolution that imposes, repeals, or modifies an additional charge, each 9-1-1 service carrier that provides service in the county shall add the full amount of the additional charge to all current bills rendered for CMRS or other 9-1-1-accessible service in the county.

(h) *Collection.* — (1) Each telephone company and each 9-1-1 service carrier shall:

- (i) act as a collection agent for the 9-1-1 Trust Fund with respect to the additional charge imposed by each county;
- (ii) collect the money from the additional charge on a county basis; and
- (iii) remit all money collected to the Comptroller on a monthly basis.

(2) The Comptroller shall deposit the money remitted in the 9-1-1 Trust Fund account maintained for the county that imposed the additional charge. (An. Code 1957, art. 41, § 18-105(c); 2003, ch. 5, § 2; ch. 451; 2013, ch. 313; 2019, chs. 301, 302.)

Effect of amendments. — Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each rewrote (c).

Editor's note. — Chapters 301 and 302, Acts 2019, were almost identical acts; ch. 301 was followed for (c)(3) and (c)(4).

Disclosure of address and date of execution of a search warrant related to a drug violation. — A wireless carrier is not entitled to recover from the 911 Trust Fund the costs of providing enhanced 911 services to its customers; however, the Emergency Number Systems Board has discretion to approve payments from the fund for these costs, if the company incurs

the costs pursuant to a contract with a local government, if the request is consistent with local plans for enhanced 911 services, and if the expenses otherwise qualify for reimbursement under the State 911 Law. 87 Op. Att'y Gen. 83 (June 4, 2002).

Prepaid Lifeline participants not required to pay 9-1-1 fees. — Low-income individuals who receive a free cellphone and a monthly allotment of free minutes from a prepaid wireless company through the federal government's Lifeline program are not required to pay the fees that fund Maryland's 9-1-1 system. 99 Op. Att'y Gen. 208 (December 5, 2014).

§ 1-312. Expenditures by counties for 9-1-1 systems.

(a) *Authorized.* — During each county's fiscal year, the county may spend the amounts distributed to it from 9-1-1 fee collections for the installation, enhancement, maintenance, and operation of a county or multicounty 9-1-1 system.

(b) *Items included in maintenance and operation costs.* — Subject to the provisions of subsection (c) of this section, maintenance and operation costs may include telephone company charges, equipment costs, equipment lease charges, repairs, utilities, personnel costs, and appropriate carryover costs from previous years.

(c) *Use of trust funds when county raises local additional charge.* — During a year in which a county raises its local additional charge under § 1-311 of this subtitle, the county:

(1) may use 9-1-1 trust funds only to supplement levels of spending by the county for 9-1-1 maintenance or operations; and

(2) may not use 9-1-1 trust funds to supplant spending by the county for 9-1-1 maintenance or operations.

(d) *Audit of county expenditures.* — The Board shall provide for an audit of each county's expenditures for the maintenance and operation of the county's 9-1-1 system.

(e) *Procedures in certain counties; exceptions; exemptions.* — (1) For a county without an operational Phase II wireless enhanced 9-1-1 system within the time frames established by the Board under § 1-306(b)(6) of this subtitle, the Board shall adopt procedures, to take effect on or after January 1, 2006, to assure that:

(i) the money collected from the additional charge and distributed to the county is expended during the county's fiscal year as follows:

1. for a 9-1-1 system in a county or a multicounty area with a population of 100,000 individuals or less, a maximum of 85% may be spent for personnel costs; and

2. for a 9-1-1 system in a county or multicounty area with a population of over 100,000 individuals, a maximum of 70% may be spent for personnel costs; and

(ii) the total amount collected from the 9-1-1 fee and the additional charge shall be expended only for the installation, enhancement, maintenance, and operation of a county or multicounty system.

(2) The Board may grant an exception to the provisions of paragraph (1) of this subsection in extenuating circumstances.

(3) A county with an operational Phase II wireless enhanced 9-1-1 system is exempt from the provisions of paragraph (1) of this subsection. (An. Code 1957, art. 41, § 18-108; 2003, ch. 5, § 2; ch. 451; 2018, ch. 12, § 6; 2019, chs. 301, 302.)

Effect of amendments. — Chapters 301 and 302, Acts 2019, effective July 1, 2019, made identical changes. Each reenacted the section without change.

Editor's note. — Pursuant to § 6, ch. 12, Acts 2018, "is" was substituted for "are" in (e)(1)(i)1.

§ 1-313. Prepaid wireless E 9-1-1 fee.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) "Consumer" means a person that purchases prepaid wireless telecommunications service in a retail transaction.

(3) “Provider” means a person that provides prepaid wireless telecommunications service under a license issued by the Federal Communications Commission.

(4) “Retail transaction” means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

(b) *In general.* — There is a prepaid wireless E 9-1-1 fee of 60 cents per retail transaction.

(c) *Collection; in-State retail transactions.* — (1) (i) The prepaid wireless E 9-1-1 fee shall be collected by the seller from the consumer for each retail transaction in the State.

(ii) The prepaid wireless E 9-1-1 fee collected by the seller under this section is not subject to the sales and use tax under the Tax - General Article.

(2) A retail transaction occurs in the State if:

(i) the sale or recharge takes place at the seller’s place of business located in the State;

(ii) the consumer’s shipping address is in the State; or

(iii) no item is shipped, but the consumer’s billing address or the location associated with the consumer’s mobile telephone number is in the State.

(d) *Amount.* — The amount of the prepaid wireless E 9-1-1 fee shall be disclosed to the consumer at the time of the retail transaction.

(e) *Liability.* — (1) Except as provided in paragraph (2) of this subsection, the prepaid wireless E 9-1-1 fee is the liability of the consumer and not of the seller or of any provider.

(2) The seller is liable for remitting all prepaid wireless E 9-1-1 fees that the seller collects from consumers as provided in this section.

(f) *Deduction for start-up costs.* — (1) Before December 28, 2013, a seller may deduct and retain 50% of prepaid wireless E 9-1-1 fees collected from consumers for direct start-up costs.

(2) On or after December 28, 2013, a seller may deduct and retain 3% of prepaid wireless E 9-1-1 fees collected from consumers.

(g) *Reporting and remitting of collected fees.* — A seller shall report and remit to the Comptroller all prepaid wireless E 9-1-1 fees collected by the seller in the manner provided for the remitting of the sales and use tax under Titles 11 and 13 of the Tax - General Article.

(h) *Deposit into 9-1-1 Trust Fund.* — The Comptroller shall deposit all reported and remitted prepaid wireless E 9-1-1 fees into the 9-1-1 Trust Fund within 30 days of receipt.

(i) *Demonstration that sale is not retail transaction.* — A seller may demonstrate that a sale is not a retail transaction in a manner established by the Comptroller that is substantially similar to the procedures for demonstrating a resale for exemption from the sales and use tax under Titles 11 and 13 of the Tax - General Article.

(j) *Audit and appeal procedures.* — For the purpose of this section, the audit and appeal procedures established for the sales and use tax under Titles 11 and 13 of the Tax - General Article apply.

(k) *Seller not provider of prepaid wireless service not liable for damages.* — A seller that is not a provider of prepaid wireless telecommunications service is not liable for damages in connection with:

- (1) the provision of, or failure of, 9-1-1 or E 9-1-1 service;
- (2) identifying, or failing to identify, the telephone number, address, location, or name associated with any person or device that is accessing or attempting to access 9-1-1 or E 9-1-1 service; or
- (3) the provision of any lawful assistance to any investigative or law enforcement officer.

(l) *Immunity from liability.* — Providers and sellers of prepaid wireless telecommunications service have the same immunity from liability for transmission failures as that approved by the Public Service Commission for local exchange telephone companies that are subject to regulation by the Commission under the Public Utilities Article.

(m) *Imposition of taxes, fees, surcharges or other charges by political entities prohibited.* — A tax, a fee, a surcharge, or any other charge may not be imposed by the State, any political subdivision of the State, or any intergovernmental agency, for E 9-1-1 funding purposes, on any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

(n) *Regulations.* — The Comptroller shall adopt regulations to carry out the provisions of this section. (2013, ch. 313.)

Prepaid Lifeline participants not required to pay 9-1-1 fees. — Low-income individuals who receive a free cellphone and a monthly allotment of free minutes from a prepaid wireless company through the federal government's Lifeline program are not required to pay the fees that fund Maryland's 9-1-1 system. 99 Op. Att'y Gen. 208 (December 5, 2014).

§ 1-314. Multiple-line telephone systems — Direct dial (Kari's Law).

(a) *"Multiple-line telephone system" defined.* — In this section, "multiple-line telephone system" means a system that:

- (1) consists of common control units, telephone sets, control hardware and software, and adjunct systems, including network and premises-based systems; and
- (2) is designed to aggregate more than one incoming voice communication channel for use by more than one telephone.

(b) *In general.* — (1) Except as provided in paragraph (2) of this subsection, on or before December 31, 2017, a person that installs or operates a multiple-line telephone system shall ensure that the system is connected to the public switched telephone network in such a way that when an individual using the system dials 9-1-1, the call connects to the public safety answering point without requiring the user to dial any other number or set of numbers.

(2) A unit of the Executive Branch of State government shall comply with paragraph (1) of this subsection on the date that the multiple-line telephone system of the unit is next upgraded. (2015, ch. 116.)

§ 1-315. Immunity from liability for transmission failures.

An emergency services Internet Protocol network provider and a core service provider of Next Generation 9-1-1 services have the same immunity from liability for transmission failures as that approved by the Public Service Commission for local exchange telephone companies, or for a provider of telecommunications services through evolving technology, that are subject to regulation by the Commission under the Public Utilities Article. (2019, chs. 301, 302.)

Editor's note. — Section 3, chs. 301 and 302, Acts 2019, provides that the acts shall take effect July 1, 2019.

*Subtitle 5. Statewide Interoperability Radio Control Board.***§ 1-501. Definitions.**

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Board.* — “Board” means the Statewide Interoperability Radio Control Board.

(c) *System.* — “System” means the Statewide Public Safety Interoperability Radio System, also known as Maryland First (first responder interoperable radio system team), that provides interoperable radio communications to first responders in the State.

(d) *User.* — “User” means a State, federal, county, or municipal agency that has established interoperability with the System and operates on the System as its primary means of daily radio communication. (2014, ch. 117.)

§ 1-502. Statewide Interoperability Radio Control Board.

(a) *Board established.* — There is a Statewide Interoperability Radio Control Board in the Department of Information Technology.

(b) *Membership.* — The Board consists of the following members:

(1) the Secretary of Information Technology, or the Secretary's designee;

(2) the Secretary of State Police, or the Secretary's designee;

(3) the Secretary of Transportation, or the Secretary's designee;

(4) the Director of the Maryland Institute for Emergency Medical Services Systems, or the Director's designee;

(5) the State Interoperability Director;

(6) the Director of the Governor's Office of Homeland Security, or the Director's designee; and

(7) five members appointed by the Governor who represent local governmental entities that are either users of or contributors to the System.

(c) *Selection of representatives of local governmental entities.* — In selecting representatives of local governmental entities under subsection (b)(7) of this section, the Governor shall:

(1) appoint members who represent the interoperability regions of the State with expertise in public safety and communications issues relevant to varied locations;

(2) consult with the Maryland Association of Counties, the Maryland Municipal League, and appropriate local public safety organizations and professionals; and

(3) give primary consideration to State agencies and local governments that have adopted the System as a primary platform for their public safety communications needs.

(d) *Term; vacancies; reappointment.* — (1) The term of a member appointed by the Governor is 4 years and shall begin on June 1.

(2) The terms of the appointed members are staggered as required by the terms provided for members of the Board on June 1, 2014.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) If a vacancy occurs after a term has begun, the Governor shall appoint a successor to represent the organization or group in which the vacancy occurs.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(6) A member may be reappointed for a second 4-year term at the request of the Governor.

(e) *Chair.* — The Secretary of Information Technology or the Secretary's designee shall serve as the chair of the Board.

(f) *Meetings.* — The Board shall meet as necessary, but at least once each quarter.

(g) *Compensation; reimbursement for expenses.* — A member of the Board:

(1) may not receive compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) *Staff.* — The Department of Information Technology shall provide staff to the Board, including:

(1) a director of the Board who is responsible for the daily operation of the Board; and

(2) staff to handle the increased duties related to completion and maintenance of the System. (2014, ch. 117.)

Editor's note. — Section 2, ch. 117, Acts 2014, provides that “the terms of the initial members of the Statewide Interoperability Radio Control Board who are subject to appointment shall expire as follows:

“(1) two appointed members in 2016;

“(2) two appointed members in 2017; and

“(3) one appointed member in 2018.”

§ 1-503. Duties of Board.

(a) *In general.* — The Board shall coordinate the operation and maintenance of a Statewide Public Safety Interoperability Radio System.

(b) *Responsibilities.* — The Board's responsibilities include:

(1) establishing standard operating procedures, quality of service standards, and maintenance guidelines for the System;

- (2) establishing working groups of the System's users, including:
- (i) a System Managers Committee to advise on technical system issues, such as upgrades, security, and enhancements; and
 - (ii) a System Users Committee to advise on operational issues, such as standard operating procedures, performance, and usage of resources;
- (3) approving the addition of new System users and the removal of existing users;
- (4) coordinating participatory, collaborative, or reciprocal relationships with local governments, including establishing procedures for:
- (i) requests to become part of the System by local governmental entities;
 - (ii) collaboration or sharing in the purchase, operation, or use of equipment or by the System infrastructure currently used by local governmental entities; and
 - (iii) review and approval of any requests or arrangements sought under this item;
- (5) resolving any conflicts among System users relating to the operation, maintenance, or improvement of the System that cannot be resolved under the standard operating procedures;
- (6) reviewing the annual cost estimation provided by the Director of the Board;
- (7) recommending to the Governor and the General Assembly funding and resource levels for System operation and maintenance;
- (8) advising the Governor and General Assembly on resources needed for appropriate operation and expansion to meet service needs for public safety communications statewide; and
- (9) negotiating agreements with federal agencies, surrounding states, or the District of Columbia for the use of the System.
- (c) *Guidance and input from existing entities.* — It is the intent of the General Assembly that the Board shall continue to receive guidance and input from the bodies currently constituted under Executive Order 01.01.2008.07, including the Statewide Interoperability Executive Committee (SIEC) for as long as the Executive Order is in effect. (2014, ch. 117.)

TITLE 2.

DEPARTMENT OF STATE POLICE.

*Subtitle 1. Definitions.***§ 2-101. Definitions.**

- (a) *In general.* — In this title the following words have the meanings indicated.
- (b) *Civilian classification.* — “Civilian classification” means the position held by a civilian employee.
- (c) *Civilian employee.* — “Civilian employee” means an employee of the Department other than a police employee.

(d) *Commissioned rank*. — (1) “Commissioned rank” means the ranks of Lieutenant, Captain, Major, and Lieutenant Colonel.

(2) “Commissioned rank” does not include the Secretary.

(e) *Department*. — “Department” means the Department of State Police.

(f) *Grade*. — “Grade” means the status of police employees that have the same primary areas of duty and responsibility within a rank.

(g) *Law enforcement agency*. — (1) “Law enforcement agency” means a law enforcement agency of a department, county, or municipal corporation of the State.

(2) “Law enforcement agency” includes:

(i) sheriffs; and

(ii) similar agencies of other states and the United States.

(h) *Noncommissioned rank*. — (1) “Noncommissioned rank” means a rank other than a commissioned rank.

(2) “Noncommissioned rank” does not include the Secretary.

(i) *Police employee*. — “Police employee” means an employee of the Department to whom the Secretary assigns the powers contained in § 2-412 of this title.

(j) *Rank*. — “Rank” means the status, established by rule, of police employees that have the same relative position in the chain of command.

(k) *Rule*. — (1) “Rule” means a rule, order, or other directive adopted by the Secretary under this article.

(2) “Rule” does not include a regulation within the meaning of Title 10, Subtitle 1 of the State Government Article.

(1) *Secretary*. — “Secretary” means the Secretary of State Police. (An. Code 1957, art. 88B, § 2 (intro. lang.), (1)-(5), (7), (8), (10); 2003, ch. 5, § 2.)

Stated in *Mohan v. Norris*, 386 Md. 63, 871 A.2d 575 (2005).

Subtitle 2. Organization and Administration of Department.

§ 2-201. Department established.

There is a Department of State Police, established as a principal department of State government. (An. Code 1957, art. 88B, § 1(a); 2003, ch. 5, § 2.)

§ 2-207. Units in Department.

The following units are in the Department:

(1) the State Fire Prevention Commission;

(2) the office of State Fire Marshal; and

(3) any other unit determined by the Secretary to be part of the Department or established by law as part of the Department. (An. Code 1957, art. 88B, § 1(b); 2003, ch. 5, § 2.)

TITLE 3.

LAW ENFORCEMENT.

*Subtitle 1. Law Enforcement Officers' Bill of Rights.***§ 3-103. Rights of law enforcement officers generally.**

(a) *Right to engage in political activity.* — (1) Subject to paragraph (2) of this subsection, a law enforcement officer has the same rights to engage in political activity as a State employee.

(2) This right to engage in political activity does not apply when the law enforcement officer is on duty or acting in an official capacity.

(b) *Regulation of secondary employment.* — A law enforcement agency:

(1) may not prohibit secondary employment by law enforcement officers; but

(2) may adopt reasonable regulations that relate to secondary employment by law enforcement officers.

(c) *Disclosure of property, income, and other information.* — A law enforcement officer may not be required or requested to disclose an item of the law enforcement officer's property, income, assets, source of income, debts, or personal or domestic expenditures, including those of a member of the law enforcement officer's family or household, unless:

(1) the information is necessary to investigate a possible conflict of interest with respect to the performance of the law enforcement officer's official duties; or

(2) the disclosure is required by federal or State law.

(d) *Retaliation.* — (1) A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer's employment or be threatened with that treatment because the law enforcement officer:

(i) has exercised or demanded the rights granted by this subtitle;

(ii) has lawfully exercised constitutional rights; or

(iii) has disclosed information that evidences:

1. gross mismanagement;

2. a gross waste of government resources;

3. a substantial and specific danger to public health or safety; or

4. a violation of law committed by another law enforcement officer.

(2) A law enforcement officer may not undertake an independent investigation based on knowledge of disclosures described in paragraph (1)(iii) of this subsection.

(e) *Right to sue.* — A statute may not abridge and a law enforcement agency may not adopt a regulation that prohibits the right of a law enforcement officer to bring suit that arises out of the law enforcement officer's duties as a law enforcement officer.

(f) *Waiver of rights.* — A law enforcement officer may waive in writing any or all rights granted by this subtitle. (An. Code 1957, art. 27, §§ 728(a), (b)(11), 729, 729A, 733, 734D; 2003, ch. 5, § 2; 2016, ch. 519, § 1.)

Effect of amendments. — Section 1, ch. 519, Acts 2016, effective October 1, 2016, added the (d)(1) designation and redesignated accordingly; added (d)(1)(iii) and (d)(2); and made related changes.

Maryland Law Review. — For a note, “*Montgomery County v. Shropshire: Trying to Shoehorn Police Intradepartmental Disciplinary Files into the Wrong Cabinet*,” see 71 Md. L. Rev. 925 (2012).

University of Baltimore Law Forum. — For article on permanent injunction against “chilling” Fifth Amendment rights, see 17, No. 3 U. Balt. Law Forum 3 (1987).

Purpose of subtitle. — This subtitle was enacted primarily to assure that certain procedural guarantees would be offered to police officers during any investigation and subsequent hearing which could lead to disciplinary action, demotion, or dismissal. *DiGrazia v. County Executive*, 43 Md. App. 580, 406 A.2d 660 (1979), rev’d on other grounds, 288 Md. 437, 418 A.2d 1191 (1980); *Montgomery County Dept of Police v. Lumpkin*, 51 Md. App. 557, 444 A.2d 469 (1982).

The purpose of this subtitle was to guarantee to those law enforcement officers embraced by it procedural safeguards during investigation and hearing of matters concerned with disciplinary action against the officer. *Nichols v. Baltimore Police Dept*’, 53 Md. App. 623, 455 A.2d 446, cert. denied, 296 Md. 111 (1983).

Construction. — This section is unambiguous and its language could not be clearer: it denies law enforcement agencies the power to prohibit law enforcement officers from engaging in secondary employment and, at the same time, permits those agencies to regulate that employment by promulgating reasonable rules for that purpose. *Fraternal Order of Police, Lodge 35 v. Mehrling*, 343 Md. 155, 680 A.2d 1052 (1996).

Not construed as tenure provision. — This subtitle should not be construed as a tenure provision. *Allgood v. Somerville*, 43 Md. App. 187, 403 A.2d 837 (1979).

Police chiefs entitled to benefits under this subtitle. — The Law Enforcement Officers’ Bill of Rights expressly contemplates that chiefs or other heads of police departments are entitled to its benefits. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

Not limited to tenured officers. — Law Enforcement Officers’ Bill of Rights is not limited to tenured law enforcement officers. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

Deputy sheriffs of Baltimore City omitted. — The General Assembly, having placed the deputy sheriffs of Baltimore City within the State Merit Law, purposely omitted that office from the protection afforded by this subtitle. *Sheriff of Baltimore City v. Abshire*, 44 Md.

App. 256, 408 A.2d 398 (1979), cert. denied, 287 Md. 756 (1980).

This subtitle provides protection during inquiry. — Any law enforcement officer covered by the Law Enforcement Officers’ Bill of Rights is entitled to its protections during any inquiry into the officer’s conduct which could lead to the imposition of a disciplinary sanction. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980); *Mayor of Westernport v. Duckworth*, 49 Md. App. 236, 431 A.2d 709 (1981); *Miner v. Novotny*, 304 Md. 164, 498 A.2d 269 (1985).

Validity of suspension of employee correctional officer for refusing to answer questions regarding allegations of misconduct depended on whether the officer was ever directly ordered to answer questions; under the Law Enforcement Officer’s Bill of Rights, former art. 27, § 727 et seq. (now § 3-101 et seq. of this article), an officer facing criminal charges was entitled to suppression of only those statements that he or she was ordered to make, under former art. 27, § 728(b)(7)(ii) (now § 3-104(l) of this article). *Dep’t of Pub. Safety & Corr. Servs. v. Shockley*, 142 Md. App. 312, 790 A.2d 73 (2002).

Representation authorized. — The Law Enforcement Officers’ Bill of Rights (LEOBR) authorizes a law enforcement officer to be represented by the person of the officer’s choice, even if the representative is not a lawyer, at any stage of the LEOBR process prior to court review. 78 Op. Att’y Gen. 257 (April 12, 1993).

Subpoena power. — Police department’s issuance of subpoenas in its misconduct investigation violated an officer’s rights under the Law Enforcement Officers’ Bill of Rights (LEOBR) contained in this subtitle because there was no grant of subpoena power under § 3-104 of this article, and the grant of subpoena power to the chief or a hearing board under § 3-107(d)(1) of this article existed only after a disciplinary violation charge had been filed, but did not exist with respect to a pre-charge investigation or interrogation; this finding was consistent with the spirit of the provisions of the LEOBR which provided substantial notice requirements and with the procedural stages for taking disciplinary action against police officers, as outlined under the LEOBR. *Miller v. Balt. County Police Dept*’, 179 Md. App. 370, 946 A.2d 1 (2008).

Collective bargaining agreements. — In enacting this section the General Assembly did not intend to allow officers to circumvent the Law Enforcement Officers’ Bill of Rights procedures and file grievances concerning disciplinary matters under their local collective bargaining agreement. *City of Hagerstown v. Moats*, 81 Md. App. 623, 568 A.2d 1181 (1990), aff’d, *City of Hagerstown v. Moats*, 324 Md. 519, 597 A.2d 972 (1991).

Rights in pari materia with federal provisions. — To the extent that a claim under this section alleges retaliation for the lawful exercise of constitutional rights, it is in pari materia with the federal employee free speech claim; thus, where the court determined that a former police captain had stated no First Amendment claim, the captain's cause of action under this section also fell. *O'Connell v. Montgomery County*, 923 F. Supp. 761 (D. Md. 1996).

Rights under § 3-101(d) separate from requirements of section. — The right under former § 733 of former Article 27 (now § 3-103 of this article) not to be discharged "by reason of the lawful exercise of (the officer's) constitutional rights" is separate and independent of any requirement that an investigation be conducted under this section, and does not depend upon whether such an investigation was conducted. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

Rights under section separate from requirements of § 3-104. — The right under a prior similar version of this section not to be discharged by reason of the lawful exercise of (the officer's) constitutional rights is separate and independent of any requirement that an investigation be conducted under former § 728 of former Article 27 (now § 3-104 of this article), and does not depend upon whether such an investigation was conducted. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

Threshold investigation or interrogation resulting in recommendation of punitive action prerequisite to hearing. — In the absence of the applicability of a prior similar version of this section, there must be a threshold investigation or interrogation of a law enforcement officer which results in the recommendation of some action such as demotion, dismissal, transfer, loss of pay, or reassignment, which would be considered a punitive measure, before the officer is entitled to a hearing board. *Montgomery County Dep't of Police v. Lumpkin*, 51 Md. App. 557, 444 A.2d 469 (1982).

Constitutionally protected speech. — Determination of whether an employee's speech was constitutionally protected depends, as the United States Supreme Court said in *Pickering v. Board of Educ.*, 391 U.S. 563, 88 S. Ct. 1731, 20 L. Ed. 2d 811 (1968), on both the nature of the speech and the nature of the employment relationship. In considering the former, such factors as whether the speech related to a matter of public concern, and whether it was accurate or false and defamatory. In considering the latter element, an appraisal is necessary with respect to the impact and on the efficiency of the public service. The relevant factors to examine include whether the speech was directed at someone with whom

the speaker had a close working relationship for which it could persuasively be claimed that personal loyalty and confidence are necessary to its proper functioning, and whether the speech might disrupt discipline or harmony among coworkers. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

The determination of whether a public law enforcement officer has been improperly discharged for engaging in protected speech requires a balance between the interests of the employee, as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees. *Pruitt v. Howard County Sheriff's Dep't*, 96 Md. App. 60, 623 A.2d 696 (1993), cert. denied, 332 Md. 143, 630 A.2d 723 (1993), cert. denied, 510 U.S. 1114, 114 S. Ct. 1059, 127 L. Ed. 2d 379 (1994).

Speech and conduct bereft of political content. — Speech and conduct which did not contain any allegations of wrongdoing or present issues of public concern to the community, but instead was intended for amusement, bereft of any political content, was not protected by the First Amendment or a prior similar version of this section. *Pruitt v. Howard County Sheriff's Dep't*, 96 Md. App. 60, 623 A.2d 696 (1993), cert. denied, 332 Md. 143, 630 A.2d 723 (1993), cert. denied, 510 U.S. 1114, 114 S. Ct. 1059, 127 L. Ed. 2d 379 (1994).

Regulation of secondary employment. — State police officer's show-cause action, alleging that the Maryland State Police Department (MSP) prohibiting the officer from continuing to work overtime, was properly dismissed because the officer was not engaged in "secondary employment," but rather, "on-duty overtime" (identified by MSP as extra-duty secondary employment) where the work was in addition to the regular 40-hour work week. *Breck v. Md. State Police*, 452 Md. 229, 156 A.3d 858 (2017).

Differentiation between policymaking and nonpolicymaking employees. — The United States Supreme Court in *Pickering v. Board of Educ.*, 391 U.S. 563, 88 S. Ct. 1731, 20 L. Ed. 2d 811 (1968), differentiated between confidential, policymaking employees and nonpolicymaking employees, indicating that the former had less stringent First Amendment protections than the latter. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

The test for balancing the right of an employee to First Amendment free speech protection, as set forth in *Pickering v. Board of Educ.*, 391 U.S. 563, 88 S. Ct. 1731, 20 L. Ed. 2d 811 (1968), permits consideration of whether the employee is a policymaking, as opposed to a nonpolicymaking official. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

Bald conclusionary statement in petition held demurrable. — Where a plaintiff

files a petition which contains a bald conclusory statement as to a violation of rights granted by a prior similar version of this section, such statement is obviously demurrable, absent some factual recitation to support the cause of action thereunder. *Allgood v. Somerville*, 43 Md. App. 187, 403 A.2d 837 (1979).

Determining violation of section a mixed question of law and fact. — Whether a director of police was removed from director's position as a punitive measure for exercising the right of free speech — a right expressly protected by this section — was a mixed question of law and fact, not appropriate for resolution on summary judgment. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

Burden of proof. — Evidence merely suggesting that the general practice of adding a new charge after an officer refuses summary punishment may, in theory, have had coercive effects, did not meet the officer's burden of proving that rejection of summary punishment was a "substantial or motivating factor" in the department's decision to add the second charge. *Blondell v. Baltimore City Police Dep't*, 341 Md. 680, 672 A.2d 639 (1996).

Under the test formulated by the United States Supreme Court in *Mt. Healthy City School Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274, 97 S. Ct. 568, 50 L. Ed. 2d 471 (1977), an employee has the burden to show that the questioned conduct was a substantial or motivating factor in employee's removal. If this burden is discharged, then the burden shifts to the employer to prove by a preponderance of the evidence that employee would not have continued the employment even absent the protected activity. The issue is to be resolved in favor of the employee only if the court finds that employee would have been reemployed but for

the protected conduct. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

Where appellant rejected the police department's offer of punishment and, instead, exercised the right to a hearing board pursuant to department policy, and where appellant alleged that subsequent reinvestigation and the filing of an additional charge not in retaliation for appellant's rejection of the offered punishment, appellant was required to show that the questioned conduct was a substantial or motivating factor in the department's actions. *Blondell v. Baltimore City Police Dep't*, 104 Md. App. 69, 655 A.2d 34 (1995), *aff'd*, 341 Md. 680, 672 A.2d 639 (1996).

No evidence of retaliation. — Police commissioner's increase in punishment from reprimand, suspension, and loss of leave to termination did not violate officer's rights under Law Enforcement Officers' Bill of Rights, because there was no evidence that the police commissioner's decision was motivated by the officer's refusal of the police department's initial offer of punishment, which the officer declined. *Rivieri v. Balt. Police Dep't*, 204 Md. App. 663, 42 A.3d 686 (2012).

Director's removal resulting from exercise of constitutional rights unlawful. — Although it is clearly within a county executive's power to remove the current director of police and replace the director with another appointee, the decision to terminate the present director's employment would not be lawful if it was made because of the current director's exercise of constitutionally protected First Amendment rights. *DiGrazia v. County Executive*, 288 Md. 437, 418 A.2d 1191 (1980).

Quoted in *Cross v. Balt. City Police Dep't*, 213 Md. App. 294, 73 A.3d 1186 (2013); *Stone v. Cheverly Police Dep't*, 227 Md. App. 421, 134 A.3d 365 (2016).

Cited in *Montgomery County v. FOP*, 427 Md. 561, 50 A.3d 579 (2012).

TITLE 6.

STATE FIRE PREVENTION COMMISSION AND STATE FIRE MARSHAL.

Subtitle 2. State Fire Prevention Commission.

§ 6-201. Established.

There is a State Fire Prevention Commission in the Department. (An. Code 1957, art. 38A, § 1(a); 2003, ch. 5, § 2.)

§ 6-202. Membership.

(a) *Composition; appointment of members.* — (1) The Commission consists of nine members.

(2) Of the nine members of the Commission:

- (i) one shall be a member of a career fire company;
- (ii) three shall be members of volunteer fire companies;
- (iii) one shall be an architect or engineer;
- (iv) one shall be a building contractor;
- (v) two shall be representatives of industry; and
- (vi) one shall be a member of the public.

(3) Of the nine members of the Commission:

- (i) one shall reside in Western Maryland, which is the region that consists of Allegany, Carroll, Frederick, Garrett, and Washington counties;
- (ii) one shall reside in Central Maryland, which is the region that consists of Baltimore, Harford, and Howard counties;
- (iii) one shall reside in Southern Maryland, which is the region that consists of Anne Arundel, Calvert, Charles, and St. Mary's counties;
- (iv) one shall reside in the Washington Metropolitan Area, which is the region that consists of Montgomery and Prince George's counties;
- (v) one shall reside on the Eastern Shore, which is the region that consists of Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties; and
- (vi) four shall represent the State at large.

(4) The Secretary shall appoint the members with the approval of the Governor.

(b) *Qualifications.* — Each member shall have experience and training to deal with the matters that are the responsibilities of the Commission.

(c) *Tenure; vacancies.* — (1) The term of a member is 5 years.

(2) The terms of members are staggered as required by the terms provided for members of the Commission on October 1, 2003.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than 2 terms.

(d) *Removal.* — With the approval of the Governor, the Secretary may remove a member for neglect of duty or other sufficient cause. (An. Code 1957, art. 38A, § 1(a); 2003, ch. 5, § 2.)

§ 6-203. Officers.

(a) *In general.* — The Commission shall elect a chairman and vice chairman from among its members.

(b) *Absence of chairman.* — If the chairman is absent, the vice chairman shall exercise the powers and perform the duties of the chairman. (An. Code 1957, art. 38A, § 2(a); 2003, ch. 5, § 2.)

§ 6-204. Quorum; meetings; compensation.

(a) *Quorum.* — (1) A majority of the authorized membership of the Commission is a quorum.

(2) The Commission may not do business unless:

- (i) there is a quorum; and
 - (ii) either the chairman or vice chairman is present.
- (b) *Meetings.* — The Commission shall meet:
- (1) at least once every 2 months; and
 - (2) when called by the chairman or the Secretary.
- (c) *Compensation and reimbursement for expenses.* — A member of the Commission:
- (1) may not receive compensation as a member of the Commission; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget. (An. Code 1957, art. 38A, §§ 1(b), 2(a), (b); 2003, ch. 5, § 2.)

§ 6-205. Miscellaneous powers and duties.

- (a) *Authority over State Fire Marshal.* — The Commission may make recommendations to the Secretary about the daily operations of the office of State Fire Marshal, including recommendations about budget and personnel matters, but the Commission does not have direct line authority over the administration of the office of State Fire Marshal.
- (b) *Subpoenas; oaths.* — The Commission may issue subpoenas and administer oaths in connection with any public hearing held under this title.
- (c) *Annual report.* — On or before September 30 of each year, the Commission shall transmit to the Governor and the Secretary an annual report of the Commission's activities.
- (d) *Annual seminars.* — At least once each year, the Commission shall promote and conduct seminars, conferences, workshops, and meetings to inform the public and fire fighting personnel of the latest techniques in:
- (1) fire prevention programs and procedures;
 - (2) life safety measures;
 - (3) changes in the State Fire Prevention Code; and
 - (4) development of improved fire safety goals. (An. Code 1957, art. 38A, §§ 2(d), 5, 6, 6A; 2003, ch. 5, § 2.)

§ 6-206. Regulations.

- (a) *State Fire Prevention Code.* — (1) (i) To protect life and property from the hazards of fire and explosion, the Commission shall adopt comprehensive regulations as a State Fire Prevention Code.
- (ii) The State Fire Prevention Code shall comply with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection.
- (iii) The State Fire Prevention Code has the force and effect of law in the political subdivisions of the State.
- (2) (i) Except as provided in subparagraph (ii) of this paragraph, the regulations adopted under this subsection do not apply to existing installations, plants, or equipment.
- (ii) If the Commission determines that an installation, plant, or equipment is a hazard so inimicable to the public safety as to require correction, the

regulations adopted under this subsection apply to the installation, plant, or equipment.

(b) *Fee schedule.* — (1) The Commission shall adopt regulations to establish and administer a fee schedule for:

(i) reviewing building plans to ensure compliance with the State Fire Prevention Code; and

(ii) conducting inspections in accordance with Subtitle 3 of this title.

(2) The Commission shall review the fee schedule annually to ensure that the money collected at least covers the costs of administering plan review and conducting inspections.

(3) This subsection does not limit the authority of a local authority to establish a fee schedule for plan review and inspections conducted by the local authority.

(c) *Hearings.* — (1) Before adopting a regulation, the Commission shall hold at least one public hearing on the proposed regulation.

(2) (i) The Commission shall publish notice of the hearing at least 15 days before the hearing in a newspaper of general circulation in the State.

(ii) At the same time, the Commission shall send a copy of the notice to each person who has filed a request for notification with the Commission.

(iii) The notice shall contain the time, place, and subject of the hearing and the place and times to examine the proposed regulation.

(d) *More stringent law governs.* — (1) The State Fire Prevention Code establishes the minimum requirements to protect life and property from the hazards of fire and explosion.

(2) If a State or local law or regulation is more stringent than the State Fire Prevention Code, the more stringent law or regulation governs if the more stringent law or regulation is:

(i) not inconsistent with the State Fire Prevention Code; and

(ii) not contrary to recognized standards and good engineering practices.

(3) If there is a question whether a State or local law or regulation governs, the decision of the Commission determines:

(i) which law or regulation governs; and

(ii) whether State and local officials have complied with the State Fire Prevention Code.

(e) *Copies of State Fire Prevention Code.* — The Commission shall make available for public information a copy of the State Fire Prevention Code, and any amendments to the State Fire Prevention Code, in each county courthouse in the State. (An. Code 1957, art. 38A, §§ 3(a)-(e), 4(b); 2003, ch. 5, § 2; 2017, chs. 175, 176; 2019, ch. 430.)

Effect of amendments. — Chapters 175 and 176, Acts 2017, effective October 1, 2017, made identical changes. Each reenacted (a)(1) and (d) without change.

Chapter 430, Acts 2019, effective July 1, 2019, reenacted (a)(1) and (d) without change.

§ 6-207. Authority of Secretary.

The exercise of all powers and authority and the performance of all duties and functions vested in the Commission under this article are subject to the powers and authority of the Secretary set forth in Title 2 of this article or elsewhere in State law. (An. Code 1957, art. 38A, § 2(c); 2003, ch. 5, § 2.)

Subtitle 3. State Fire Marshal.

§ 6-301. Office established.

There is an office of State Fire Marshal in the Department. (An. Code 1957, art. 38A, § 7(a)(1); 2003, ch. 5, § 2.)

§ 6-302. State Fire Marshal.

(a) *Appointment.* — The Secretary shall appoint a State Fire Marshal from a list of three names submitted by the Commission.

(b) *Qualifications.* — The State Fire Marshal shall:

- (1) be a graduate of an accredited college or university; and
- (2) have 5 years of recent progressively responsible experience, at least 3 years of which shall have been at the administrative level, in fire prevention inspection, fire investigation, fire safety promotion, fire protection engineering, fire fighting, or teaching fire safety engineering.

(c) *Term.* — The State Fire Marshal serves for a term of 6 years.

(d) *Executive service.* — The State Fire Marshal is in the executive service of the State Personnel Management System.

(e) *Removal.* — (1) At any time, the Secretary may remove the State Fire Marshal for neglect of duty or other conduct unbecoming the office.

(2) The Commission may recommend to the Secretary that the State Fire Marshal be removed for cause.

(3) (i) Before removing the State Fire Marshal, the Secretary shall give the State Fire Marshal:

1. timely notice with a statement of the charges; and
2. an opportunity for a public hearing on the charges.

(ii) The State Fire Marshal may be represented at the hearing by counsel.

(f) *Salary.* — The State Fire Marshal is entitled to the salary provided in the State budget. (An. Code 1957, art. 38A, § 7(a)(2); 2003, ch. 5, § 2.)

§ 6-303. Staff.

(a) *In general.* — The State Fire Marshal may employ a staff in accordance with the State budget.

(b) *Deputy State fire marshals.* — (1) The full time investigative and inspection assistants in the office shall be known as deputy State fire marshals.

(2) Deputy State fire marshals shall meet the minimum qualifications and complete the training required by the Police Training and Standards Commission for a police officer.

(3) The qualification and training requirements of paragraph (2) of this subsection do not apply to the fire inspectors and fire investigators of the political subdivisions of the State.

(c) *Civilian employees.* — (1) The State Fire Marshal may designate civilian employees to conduct inspections and submit reports as necessary.

(2) The minimum qualifications for a civilian employee shall be completion of the National Fire Protection Association Standard 1031. (An. Code 1957, art. 38A, § 7(d); 2003, ch. 5, § 2; 2016, ch. 8, § 5.)

Editor's note. — Pursuant to § 5, ch. 8, Acts 2016, "Police Training and Standards Commission" was substituted for "Police Training Commission" in (b)(2).

Not considered "peace officer." — A deputy fire marshal is not considered a "peace

officer" and, therefore, is not authorized to sign a citation to initiate criminal charges. 81 Op. Att'y Gen. 20 (September 19, 1996).

§ 6-304. Assistant and special assistant State fire marshals.

(a) *Assistant State fire marshals — In general.* — (1) A county or municipal corporation of the State may designate a fire marshal or appropriate fire official to serve as assistant State fire marshal to carry out this title, including issuing orders, in that county or municipal corporation.

(2) An assistant State fire marshal may not receive compensation from the State.

(3) The State Fire Marshal shall carry out this title in a county or municipal corporation that has not designated an assistant State fire marshal.

(b) *Assistant State fire marshals — Minimum qualifications.* — (1) An assistant State fire marshal shall have at least completed National Fire Protection Association (NFPA) Standard 1031 — Fire Inspector I, or the equivalent, as determined by the State Fire Marshal.

(2) The State Fire Marshal may administer an examination based on NFPA Standard 1031 before designating an individual as an assistant State fire marshal.

(c) *Special assistant State fire marshals.* — (1) The State Fire Marshal may designate as a special assistant State fire marshal:

- (i) a law enforcement officer involved in arson investigations;
- (ii) any other suitable individual who meets the standards established under this section; or
- (iii) on the advice of an assistant State fire marshal, a member of a fire department if:

- 1. the designee is a full-time employee of the fire department;
- 2. the designee performs fire inspections or fire investigations for the fire department; and
- 3. the fire department is organized and operates in the State.

(2) A special assistant State fire marshal serves at the pleasure of the State Fire Marshal.

(3) A special assistant State fire marshal may not receive compensation from the State.

(4) Each special assistant State fire marshal shall assist the State Fire Marshal in carrying out the duties of the State Fire Marshal under this title.

(d) *Removal.* — The Commission may remove an assistant or special assistant State fire marshal for just cause by a majority decision:

- (1) on the recommendation of the State Fire Marshal; and
- (2) after an administrative hearing. (An. Code 1957, art. 38A, § 7(c); 2003, ch. 5, § 2.)

§ 6-305. General powers and duties of State Fire Marshal.

(a) *Enforcement of laws and regulations.* — The State Fire Marshal shall enforce:

- (1) all laws of the State that relate to:
 - (i) the prevention of fire;
 - (ii) the storage, sale, and use of explosives, combustibles, or other dangerous articles, in solid, liquid, or gaseous form;
 - (iii) the installation and maintenance of all kinds of equipment intended to control, detect, or extinguish fire;
 - (iv) the means and adequacy of exit, in case of fire, from buildings and all other places in which individuals work, live, or congregate, except buildings that are used solely as dwelling houses for no more than two families; and
 - (v) the suppression of arson; and
- (2) the regulations adopted by the Commission under Subtitle 2 of this title.

(b) *Implementation of fire safety programs.* — By delegation of authority vested in the Commission and within policy established by the Commission, the State Fire Marshal shall implement fire safety programs in the State to minimize fire hazards and disasters and loss of life and property from these causes, including:

- (1) the establishment and enforcement of fire safety practices throughout the State;
- (2) preventive inspection and correction activities;
- (3) coordination of fire safety programs with volunteer and career fire companies and other State agencies and political subdivisions exercising enforcement aspects; and
- (4) critical analysis and evaluation of State fire loss statistics to determine problems and solutions.

(c) *Assistance in fire prevention matters.* — On request, the State Fire Marshal shall assist in fire prevention matters:

- (1) a chief of a fire company or department;
 - (2) a legally designated fire marshal of a county or municipal corporation;
- or
- (3) a unit or agency of the State or a county or municipal corporation.

(d) *Fire safety and emergency evacuation procedures for State property.* — (1) The State Fire Marshal, assistant State fire marshals, and special assistant State fire marshals shall develop for each property owned or leased by the State:

- (i) fire safety procedures, including fire drills at least quarterly; and
- (ii) emergency evacuation procedures.

(2) Information about fire safety and emergency evacuation procedures shall be available to all State employees on request.

(3) The State Fire Marshal shall require the State unit exercising control over the property owned or leased by the State to keep records of fire drills or other exercises that relate to fire safety and emergency evacuation procedures conducted in the property.

(e) *Issuance of permits and licenses.* — The State Fire Marshal may issue permits and licenses as required under this article.

(f) *Disposal of hazardous devices and substances.* — On request, the State Fire Marshal may assist police and fire authorities to dispose of hazardous devices and substances. (An. Code 1957, art. 38A, §§ 7(b), 8(a)-(c), (k), (n), 33; 2003, ch. 5, § 2.)

Fire Marshal's determinations treated as other evidence. — Even if a circuit court overstated the Fire Marshal's responsibilities under §§ 8, 12 of Article 38A (see now Title 6, Subtitle 3 of this article), it was irrelevant to an appellate court reviewing the St. Mary's County board of appeals' decision, and because the issue of safety was within the board's jurisdiction and there was nothing in the board's opinion to indicate that it misconstrued the powers of the Fire Marshal, the conclusions of the marshal that property containing ordnance

remnants was safe for residential development were not determinative in the sense of preventing further inquiry into safety, but the developer was entitled to have the board consider the evidence relating to the marshal's involvement along with all other evidence presented. *Bd. of County Comm'rs for St. Mary's County v. S. Res. Mgmt.*, 154 Md. App. 10, 837 A.2d 1059 (2003).

Applied in *Dorsey v. State*, 185 Md. App. 82, 968 A.2d 654 (2009).

§ 6-306. Criminal history records check of firefighters, rescue squad members, and paramedics.

(a) *Request for criminal history records check.* — (1) Subject to Title 10, Subtitle 2 of the Criminal Procedure Article, a fire department or rescue squad of the State or a political subdivision of the State, a volunteer fire company or rescue squad, or an ambulance service licensed under § 13-515 of the Education Article may request the State Fire Marshal or other authorized agency that has access to the Criminal Justice Information System Central Repository in the Department of Public Safety and Correctional Services to conduct an initial criminal history records check on an applicant for employment or appointment as a volunteer or career firefighter, rescue squad member, or paramedic.

(2) The request shall be made on the form required by the State Fire Marshal.

(b) *Applicant to provide fingerprints.* — (1) An applicant for employment or appointment as a volunteer or career firefighter, rescue squad member, or paramedic shall provide a classifiable set of fingerprints in accordance with paragraphs (2) and (3) of this subsection:

(i) for submission to the Criminal Justice Information System Central Repository for a criminal history records check; and

(ii) for forwarding to the Federal Bureau of Investigation for a national criminal history records check.

(2) The applicant shall provide the fingerprints on a form approved by the Director of the Criminal Justice Information System Central Repository.

(3) (i) On request of the State Fire Marshal or an appropriate authority designated by rule of the State Fire Marshal, the applicant shall provide the fingerprints to the State Fire Marshal or the designated authority.

(ii) In a jurisdiction that has designated an assistant State fire marshal, on request of the assistant State fire marshal an applicant in the jurisdiction shall provide the fingerprints to the assistant State fire marshal.

(c) *Conviction and arrest records.* — A fire department or rescue squad operated by the State or a political subdivision of the State or a volunteer fire company or rescue squad may obtain conviction and arrest records produced by a criminal history records check based on a classifiable set of fingerprints.

(d) *Consideration of conviction.* — A volunteer or career fire company or rescue squad may consider the existence of a criminal conviction in determining whether to employ or appoint an applicant. (An. Code 1957, art. 38A, § 7A; 2003, ch. 5, § 2.)

§ 6-307. Inspections.

(a) *Duty to inspect public buildings.* — (1) The State Fire Marshal shall inspect for fire exits and reasonable safety standards:

(i) all institutions owned by the State or a county or municipal corporation; and

(ii) all schools, theaters, churches, and other places of public assembly.

(2) The State Fire Marshal shall report the findings of an inspection and any recommendations to the individual in charge of the institution or other place that was inspected.

(b) *Authority to conduct inspections as necessary.* — (1) This subsection does not apply to a building or premises actually occupied as a private dwelling.

(2) The State Fire Marshal may enter a building or premises within the jurisdiction of the State Fire Marshal at reasonable hours to conduct an inspection that the State Fire Marshal considers necessary under this subtitle.

(c) *Prior notice prohibited.* — An individual, including an employee of the State Fire Marshal, may not give prior notice of an inspection authorized under this subtitle without the written approval of the State Fire Marshal or designee of the State Fire Marshal.

(d) *Inspection of place of employment.* — (1) Subject to regulations adopted by the Commission, whenever the State Fire Marshal or designee of the State Fire Marshal inspects a place of employment, a representative of the employer and an authorized employee representative shall be given an opportunity to accompany the State Fire Marshal or designee during the inspection.

(2) If there is no authorized employee representative, the State Fire Marshal or designee shall consult with a reasonable number of employees about matters of safety and health in the place of employment.

(e) *Protection of trade secrets.* — (1) In this subsection, “trade secret” means a confidential formula, pattern, device, or compilation of information that:

(i) is used in an employer’s business;

(ii) gives the employer an opportunity to obtain an advantage over competitors who do not know or use the information; and

(iii) is known only to the employer and those employees to whom it is necessary to confide the information.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, any information reported to or otherwise obtained by the State Fire Marshal or designee of the State Fire Marshal in connection with an inspection or proceeding under this subtitle that contains or might reveal a trade secret is confidential.

(ii) Information described in subparagraph (i) of this paragraph may be disclosed only:

1. to other officers or employees responsible for carrying out this subtitle; or

2. if relevant in a proceeding under this subtitle.

(3) In a proceeding under this subtitle, the State Fire Marshal, designee of the State Fire Marshal, or a court of competent jurisdiction, as applicable, shall issue appropriate orders to protect the confidentiality of a trade secret. (An. Code 1957, art. 38A, § 8(d), (e); 2003, ch. 5, § 2.)

Maryland Law Review. — For note, “Maryland Uniform Trade Secrets Act,” see 49 Md. L. Rev. 1056 (1990).

§ 6-308. Fees.

(a) *For inspections.* — (1) Except as provided in paragraph (2) of this subsection, the State Fire Marshal shall collect the fees established by the Commission under § 6-206 of this title for conducting inspections.

(2) The State Fire Marshal may not collect a fee for inspecting property that is owned by:

(i) the State or a county or municipal corporation; or

(ii) a government-affiliated or volunteer fire, rescue, or emergency medical services entity.

(b) *For plan review.* — (1) (i) In this subsection, “plan review” means the review of all construction drawings and specifications for commercial and residential construction.

(ii) “Plan review” includes the review of site, architectural, mechanical, electrical, sprinkler, fire alarm, and special extinguishing systems drawings and specifications.

(2) This subsection does not apply to:

(i) construction of one- and two-family dwellings; or

(ii) construction for which plan review is conducted by the local authority.

(3) The State Fire Marshal shall collect the fees established by the Commission under § 6-206 of this title for reviewing building plans to ensure compliance with the State Fire Prevention Code.

(4) The fee for plan review shall be submitted with the plans.

(c) *Disposition of fees.* — The State Fire Marshal shall:

(1) keep records of all fees collected under this section; and

(2) pay the money collected under this section into the General Fund. (An. Code 1957, art. 38A, §§ 8(m), 8C; 2003, ch. 5, § 2.)

§ 6-309. Investigations.

(a) *Power to investigate fires and explosions.* — At any time, the State Fire Marshal may investigate the origin or circumstances of a fire or explosion or an attempt to cause a fire or explosion that occurs in the State.

(b) *Entry into buildings and premises.* — At any time, the State Fire Marshal:

(1) may enter into and examine a building or premises where a fire is burning or where a fire or attempt to cause a fire has occurred;

(2) may enter into a building or premises adjacent to a building or premises where a fire or attempt to cause a fire has occurred; and

(3) may take full control and custody of the building or premises and place an individual that the State Fire Marshal considers proper in charge of the building or premises, until the examination and investigation of the State Fire Marshal is completed. (An. Code 1957, art. 38A, § 8(f); 2003, ch. 5, § 2.)

Applied in *Dorsey v. State*, 185 Md. App. 82, 968 A.2d 654 (2009).

§ 6-310. Testimony.

(a) *In general.* — (1) The State Fire Marshal may:

(i) take the testimony under oath of any person suspected to know or to have the means to know any facts that relate to the matter that is the subject of the inspection or investigation; and

(ii) cause the testimony to be reduced to writing.

(2) The State Fire Marshal shall transmit a copy of the testimony taken under paragraph (1) of this subsection to the State's Attorney for the county where the fire or explosion or attempt to cause a fire or explosion occurred.

(b) *Witnesses, subpoenas, and oaths.* — The State Fire Marshal may:

(1) issue subpoenas requiring the attendance of witnesses to testify in relation to any matter that is the subject of an investigation by the State Fire Marshal under this subtitle;

(2) issue subpoenas requiring the production of documents that relate to any matter that is the subject of an investigation by the State Fire Marshal under this subtitle; and

(3) administer oaths to witnesses.

(c) *Perjury.* — A person who testifies falsely under oath in a matter or proceeding of the State Fire Marshal under this subtitle is guilty of perjury and on conviction is subject to the penalties for perjury. (An. Code 1957, art. 38A, § 8(g)(1), (h); 2003, ch. 5, § 2.)

Section applied over less specific § 4-306 of the Health - General Article. — Because this section is more specific, being expressly limited to the State Fire Marshall, than § 4-306 of the Health - General Article, which

pertains generally to disclosures of medical records to various authorities, the trial court did not err in admitting defendant's medical records into evidence where they were obtained by the State Fire Marshall pursuant to a sub-

poena issued under (b)(2). *Dorsey v. State*, 185 Md. App. 82, 968 A.2d 654 (2009).

§ 6-311. Arrests.

(a) *Fire or explosion of incendiary origin or related to destructive device.* — If in the judgment of the State Fire Marshal testimony taken under oath discloses that a fire or explosion or an attempt to cause a fire or explosion was of incendiary origin or was related to a destructive device, as defined in § 4-501 of the Criminal Law Article, the State Fire Marshal may arrest the suspected incendiary or cause the suspected incendiary to be arrested and charged.

(b) *Other crimes.* — If on investigation the State Fire Marshal has probable cause to believe that a person has committed or has attempted to commit a crime that involves a fire, fire bombing, or false alarm, or that involves the possession or manufacture of destructive devices or explosive substances, fireworks, or fire bombs, the State Fire Marshal may arrest that person or cause the person to be arrested and charged. (An. Code 1957, art. 38A, § 8(g); 2003, ch. 5, § 2.)

Not considered “peace officer.” — A deputy fire marshal is not considered a “peace officer” and, therefore, is not authorized to sign a citation to initiate criminal charges. 81 Op. Att’y Gen. 20 (September 19, 1996).

Applied in *Dorsey v. State*, 185 Md. App. 82, 968 A.2d 654 (2009).

§ 6-312. Written reports of investigations.

(a) *Requested by local government.* — At the request of the governing body of a county or municipal corporation of the State, the State Fire Marshal shall make a written report of the investigation of a fire that occurred within that county or municipal corporation.

(b) *Requested by property owner or insurer.* — At the request of the owner or insurer of property destroyed or damaged by fire or explosion, or in which an attempt to cause a fire or explosion may have occurred, the State Fire Marshal shall make a written report of the result of the investigation regarding the property. (An. Code 1957, art. 38A, § 8(i), (j); 2003, ch. 5, § 2.)

§§ 6-313, 6-314. Chimney fire reports; Reports of losses by insurers.

Repealed by Acts 2016, ch. 92, § 1, effective October 1, 2016.

§ 6-315. Administrative search warrants — For fire investigations.

(a) *Application for warrant — In general.* — The State Fire Marshal, a designee of the State Fire Marshal, a full-time fire investigator who is a member of a fire department, or a police officer may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter

a vehicle, building, or premises where a fire has occurred to conduct a search to determine the cause and origin of the fire.

(b) *Application for warrant — Form and contents.* — An application under subsection (a) of this section shall:

- (1) be in writing;
- (2) be signed and sworn to by the applicant; and
- (3) particularly describe the vehicle, building, or premises to be searched and the nature, scope, and purpose of the search to be performed by the applicant.

(c) *Issuance of warrant.* — A judge of the District Court or a circuit court may issue the warrant on finding that:

- (1) a fire of undetermined origin has occurred;
- (2) the scope of the proposed search is reasonable and will not intrude unnecessarily on the fire victim's privacy;
- (3) the search will be executed at a reasonable and convenient time; and
- (4) the owner, tenant, or other individual in charge of the property has denied access to the property, or after making a reasonable effort, the applicant has been unable to locate any of these individuals.

(d) *Contents of warrant; scope of search.* — (1) An administrative search warrant issued under this section shall specify the vehicle, building, or premises to be searched.

(2) The search conducted may not exceed the limits specified in the warrant.

(e) *Execution and return.* — An administrative search warrant issued under this section shall be executed and returned to the judge who issued it within:

- (1) the time specified in the warrant, not exceeding 30 days; or
- (2) if no time period is specified in the warrant, 15 days after its issuance. (An. Code 1957, art. 38A, § 8A; 2003, ch. 5, § 2.)

§ 6-316. Administrative search warrants — For fire prevention inspections.

(a) *Application for warrant — In general.* — The State Fire Marshal, a designee of the State Fire Marshal, or a full-time fire prevention inspector who is employed by a fire department may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter a building or premises to conduct a fire prevention inspection.

(b) *Application for warrant — Form and contents.* — An application under subsection (a) of this section shall:

- (1) be in writing;
- (2) be signed and sworn to by the applicant; and
- (3) particularly describe the building or premises to be searched and the nature, scope, and purpose of the search to be performed by the applicant.

(c) *Issuance of warrant.* — A judge of the District Court or a circuit court may issue the warrant on finding that:

- (1) the applicant is authorized or required by law to make the inspection;
- (2) the applicant has demonstrated that the inspection of the premises is sought as a result of:

(i) evidence of an existing violation of this article that relates to fire safety, the State Fire Prevention Code, or a local fire prevention code, if applicable; or

(ii) a general and neutral administrative plan to conduct fire prevention inspections;

(3) the owner, tenant, or other individual in charge of the property has denied access to the property, or after making a reasonable effort, the applicant has been unable to locate any of these individuals; and

(4) the inspection is sought for safety related purposes.

(d) *Contents of warrant; scope of search.* — (1) An administrative search warrant issued under this section shall specify the building or premises to be searched.

(2) The inspection conducted may not exceed the limits specified in the warrant.

(e) *Execution and return.* — An administrative search warrant issued under this section shall be executed and returned to the judge who issued it within:

(1) the time specified in the warrant, not exceeding 30 days; or

(2) if no time period is specified in the warrant, 15 days after its issuance.

(f) *Information obtained confidential.* — Information obtained in accordance with an administrative search warrant under this section is confidential and may not be disclosed except:

(1) to the extent used in an administrative or judicial proceeding that arises out of a violation that relates to the purpose for which the warrant was issued and within the scope of the warrant; or

(2) to an owner or occupant of the building or premises. (An. Code 1957, art. 38A, § 8B; 2003, ch. 5, § 2.)

§ 6-317. Maintenance of fire hazard prohibited.

(a) *In general.* — A person may not erect, construct, reconstruct, alter, maintain, or use a building, structure, or equipment or use land:

(1) in a way that endangers life or property due to the hazards of fire or explosion; or

(2) in violation of any regulation adopted by the Commission under § 6-206 of this title.

(b) *Separate offenses.* — Each day on which a violation of this section continues after knowledge or official notice of the violation is a separate offense. (An. Code 1957, art. 38A, §§ 9(a), 13(b); 2003, ch. 5, § 2.)

Prosecution for supplier leaving partly-filled propane tank by roadside. — In cases where the supplier leaves a partly-filled propane tank in a place by the side of the road in a place beyond either the customer's or owner's control where it might be hit by traffic, vandalized, or otherwise damaged, prosecution for reckless endangerment under § 3-204(a)(1) of the Criminal Law Article may be the best response, as might a prosecution under the

Public Safety Article, which incorporates the extensive State Fire Code regulations on the handling of liquefied propane gas; given the lack of statutory definitions of the operative terms of the Container Law, the absence of meaningful legislative history, and the rule of lenity, the Container Law under the UCC likely would not provide the most direct path for prosecuting a supplier for that conduct. 98 Op. Att'y Gen. 136 (November 21, 2013).

§ 6-318. Abatement orders — In general.

(a) *Authority to issue.* — The State Fire Marshal may issue a reasonable abatement order if the State Fire Marshal:

(1) determines that a building or structure has been constructed, altered, or repaired in a manner that violates a regulation adopted by the Commission before the construction, alteration, or repairs began;

(2) determines that a building or structure:

(i) is a fire hazard because of disrepair, age, dilapidated or abandoned condition, or for any other reason; and

(ii) endangers other buildings and property; or

(3) finds in a building or on premises a combustible, flammable, or explosive substance or material, or other condition dangerous to the safety of individuals who occupy the building or premises and adjacent premises or property.

(b) *Form and contents.* — An abatement order under this section shall:

(1) be in writing;

(2) be directed to the owner or occupant of the building, structure, or premises; and

(3) contain a notice that:

(i) compliance with the order is required within the time specified in the notice; and

(ii) any person aggrieved by the order may file an appeal from the order in accordance with Subtitle 5 of this title.

(c) *Relief.* — The abatement order may order:

(1) the repair or demolition of the building or structure or the removal of the combustible, flammable, or explosive substance or material; and

(2) the remedying of any condition found to be in violation of a regulation adopted by the Commission or to be dangerous to the safety of individuals or property. (An. Code 1957, art. 38A, §§ 9(b), 10; 2003, ch. 5, § 2.)

§ 6-319. Abatement orders — Service of order.

(a) *On occupant.* — An abatement order directed to the occupant of the premises shall be served within 5 days after the order is issued:

(1) by delivering a true copy of the order to the occupant or to an adult who is apparently in charge of the premises; or

(2) if no occupant or adult is found on the premises:

(i) by posting a true copy of the order in a conspicuous place on the door or other prominent entrance to the premises; and

(ii) 1. by mailing a copy of the order by certified mail, return receipt requested, to the occupant at the occupant's last known address; or

2. if the address of the occupant is not known, by mailing a copy of the order by certified mail, return receipt requested, to the occupant in care of general delivery at the post office that serves the community where the premises are located.

(b) *On owner.* — An abatement order directed to the owner of the premises shall be served within 5 days after the order is issued:

- (1) by delivering a true copy of the order to the owner; or
- (2) if the owner is absent from the State or the owner's whereabouts are unknown to the State Fire Marshal:
 - (i) by posting a true copy of the order in a conspicuous place on the door or other prominent entrance to the premises; and
 - (ii) 1. by mailing a copy of the order by certified mail, return receipt requested, to the owner at the owner's last known address; or
 - 2. if the address of the owner is not known, by mailing a copy of the order by certified mail, return receipt requested, to the owner in care of general delivery at the post office that serves the community where the premises are located. (An. Code 1957, art. 38A, § 10; 2003, ch. 5, § 2.)

§ 6-320. Abatement orders — Failure to comply with order.

(a) *Authority of State Fire Marshal to abate at expense of owner or occupant.* — If an owner or occupant of a building, structure, or premises who is served with a copy of an abatement order in accordance with § 6-319 of this subtitle fails to comply with the order within 30 days after the order is issued, or within 30 days after a court's affirmation of the order becomes final, the State Fire Marshal:

- (1) may enter the building, structure, or premises affected by the order; and
- (2) at the expense of the owner or occupant, may cause:
 - (i) the building, structure, or premises to be repaired or demolished;
 - (ii) the combustible, flammable, or explosive materials to be removed; and
 - (iii) the dangerous conditions to be remedied.

(b) *Suit to recover expenses.* — If the owner or occupant fails to reimburse the State Fire Marshal for the expenses incurred by the State Fire Marshal under subsection (a) of this section within 30 days after written demand is mailed to the owner or occupant at the owner's or occupant's last known address, the State Fire Marshal may sue in the name of the State to recover the expenses, with interest, in a court of competent jurisdiction.

(c) *Cooperation by county or municipal corporation.* — (1) If the owner or occupant fails to comply with the abatement order after the period of time specified in subsection (a) of this section, the governing body of a county or municipal corporation may cooperate with the State Fire Marshal in repairing, demolishing, or otherwise remedying dangerous conditions in a building or structure in the county or municipal corporation.

(2) A lien shall attach to the property on which the building or structure stood in the amount of the expense of the work done by the county or municipal corporation. (An. Code 1957, art. 38A, § 11; 2003, ch. 5, § 2.)

§ 6-321. Additional remedies.

If a building, structure, or equipment is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used, or if land is or is

proposed to be used in a way that endangers life or property due to the hazards of fire or explosion or in violation of this article or of any regulation adopted by the Commission under this article, the Commission, State Fire Marshal, or Attorney General may, in addition to other remedies provided by law, file an action for injunction, mandamus, or abatement or any other appropriate action to prevent, enjoin, abate, or remove the unlawful erection, construction, reconstruction, alteration, maintenance, or use. (An. Code 1957, art. 38A, § 12; 2003, ch. 5, § 2.)

Fire Marshal's determinations treated as other evidence. — Even if a circuit court overstated the Fire Marshal's responsibilities under §§ 8, 12 of Article 38A (see now Title 6, Subtitle 3 of this article), it was irrelevant to an appellate court reviewing the St. Mary's County board of appeals' decision, and because the issue of safety was within the board's jurisdiction and there was nothing in the board's opinion to indicate that it misconstrued the powers of the Fire Marshal, the conclusions of

the marshal that property containing ordnance remnants was safe for residential development were not determinative in the sense of preventing further inquiry into safety, but the developer was entitled to have the board consider the evidence relating to the marshal's involvement along with all other evidence presented. *Bd. of County Comm'rs for St. Mary's County v. S. Res. Mgmt.*, 154 Md. App. 10, 837 A.2d 1059 (2003).

§ 6-322. Authority of Secretary.

The exercise of all powers and authority and the performance of all duties and functions vested in the State Fire Marshal under this article are subject to the powers and authority of the Secretary set forth in Title 2 of this article or elsewhere in State law. (An. Code 1957, art. 38A, § 2(c); 2003, ch. 5, § 2.)

Subtitle 4. Baltimore City.

§ 6-401. Applicability in Baltimore City.

The powers, duties, and jurisdiction conferred by this article on the Commission and the State Fire Marshal, and any code, regulation, or practice adopted by them under the authority of this article, apply in Baltimore City only to:

- (1) properties owned or operated by the State;
- (2) hospitals, nursing homes, and similar institutions that require State licensure; and
- (3) the licensing of fire sprinkler contractors. (An. Code 1957, art. 38A, § 14A(a); 2003, ch. 5, § 2.)

§ 6-402. Assistance from Commission and State Fire Marshal.

On request of the chief of the Baltimore City Fire Department, the Commission and State Fire Marshal shall provide any assistance necessary to:

- (1) enforce fire prevention regulations in Baltimore City; and
- (2) investigate the cause or origin of a fire in Baltimore City. (An. Code 1957, art. 38A, § 14A(b); 2003, ch. 5, § 2.)

§ 6-403. Reports by Baltimore City Fire Department.

The Baltimore City Fire Department shall report to the appropriate agency any noncompliance with the fire prevention code or regulations of Baltimore City or the fire prevention requirements of the State or federal government:

- (1) on property that is owned by the State; and
- (2) in a hospital, nursing home, institution, or school that is licensed by the State or that receives any money from the State or federal government. (An. Code 1957, art. 38A, § 14A(c); 2003, ch. 5, § 2.)

*Subtitle 5. Appeals.***§ 6-501. Right to file appeal.**

An appeal to the Commission may be taken by:

- (1) a person who is aggrieved by an order or decision of the State Fire Marshal made in the administration or enforcement of this article; or
- (2) an officer, unit, or agency of the State or a political subdivision of the State that is affected by an order or decision of the State Fire Marshal made in the administration or enforcement of this article. (An. Code 1957, art. 38A, § 14(a); 2003, ch. 5, § 2.)

§ 6-502. Procedure.

The time within which an appeal under § 6-501 of this subtitle must be taken, and the effect, form, and other procedures that relate to the appeal, shall be as specified in regulations adopted by the Commission. (An. Code 1957, art. 38A, § 14(b); 2003, ch. 5, § 2.)

§ 6-503. Judicial review.

A party who is aggrieved by a final decision of the Commission is entitled to judicial review of the decision as provided in Title 10, Subtitle 2 of the State Government Article. (An. Code 1957, art. 38A, § 14(c); 2003, ch. 5, § 2.)

*Subtitle 6. Prohibited Acts; Penalties.***§ 6-601. Violation of title or regulation.**

(a) *Prohibited.* — A person may not knowingly violate this title or a regulation adopted by the Commission.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both. (An. Code 1957, art. 38A, § 13(a); 2003, ch. 5, § 2.)

Prosecution for supplier leaving partly-filled propane tank by roadside. — In cases where the supplier leaves a partly-filled propane tank in a place by the side of the road in a place beyond either the customer's or owner's

control where it might be hit by traffic, vandalized, or otherwise damaged, prosecution for reckless endangerment under § 3-204(a)(1) of the Criminal Law Article may be the best response, as might a prosecution under the

Public Safety Article, which incorporates the extensive State Fire Code regulations on the handling of liquefied propane gas; given the lack of statutory definitions of the operative terms of the Container Law, the absence of

meaningful legislative history, and the rule of lenity, the Container Law under the UCC likely would not provide the most direct path for prosecuting a supplier for that conduct. 98 Op. Att’y Gen. 136 (November 21, 2013).

§ 6-602. Interference, obstruction, or false representation.

(a) *Interference with or obstruction of emergency assistance prohibited.* — A person may not willfully interfere with or obstruct the State Fire Marshal, a deputy State fire marshal, or a special assistant State fire marshal while the State Fire Marshal, deputy State fire marshal, or special assistant State fire marshal:

(1) is fighting a fire, performing emergency service, or proceeding to a fire or other emergency; or

(2) is dispatched on a call for emergency service.

(b) *Interference with or obstruction of investigation prohibited.* — A person may not willfully interfere with or obstruct the State Fire Marshal, a deputy State fire marshal, or a special assistant State fire marshal in the course of conducting an inspection or investigating a fire or explosion.

(c) *Impersonating fire marshal prohibited.* — A person may not, with fraudulent design on person or property, falsely represent that the person is a State fire marshal or a sworn employee of the office of State Fire Marshal.

(d) *Wearing articles of fire marshal or imitations prohibited.* — A person may not have, use, wear, or display without proper authority, for the purpose of deception, a uniform, shield, button, ornament, identification, or shoulder patch, or a simulation or imitation of these articles, adopted by the office of State Fire Marshal.

(e) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years. (An. Code 1957, art. 27, § 11D; 2003, ch. 5, § 2.)

TITLE 7.

FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITIES.

Subtitle 1. Mutual Aid Agreements by Fire, Rescue, or Emergency Medical Services Entities.

§ 7-101. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Fire, rescue, or emergency medical services entity.* — “Fire, rescue, or emergency medical services entity” means:

(1) a governmental subdivision, by its appropriate designated authority;

(2) a board or fire commission of a fire department or governmental subdivision;

(3) a fire department;

(4) a fire company;

(5) a rescue squad; or

(6) an emergency medical services unit, including an entity that provides emergency medical services at any level.

(c) *Mutual aid agreement*. — (1) “Mutual aid agreement” means an agreement to establish and carry out a plan to assist in extinguishing fires and preserving life and property by providing fire fighting, rescue, or emergency medical equipment, personnel, and services.

(2) “Mutual aid agreement” includes a reciprocal agreement entered into in accordance with this section and § 7-103 of this subtitle before July 1, 1989. (An. Code 1957, art. 38A, § 37(a); 2003, ch. 5, § 2; ch. 21 § 7; 2018, ch. 12, § 6.)

Editor’s note. — Pursuant to § 6, ch. 12, Acts 2018, “this section and § 7-103 of this subtitle” was substituted for “former Article 38A, § 37 of the Code” in (c)(2).

Quoted in *TransCare Maryland, Inc. v. Murray*, 431 Md. 225, 64 A.3d 887 (2013).

§ 7-102. Liberal construction.

This subtitle shall be liberally construed in order to effect its purpose to provide mutual aid for a fire, rescue, or emergency medical services entity in time of need. (An. Code 1957, art. 38A, § 41; 2003, ch. 5, § 2.)

§ 7-103. Mutual aid agreements with other states and entities.

(a) *Authorized*. — A fire, rescue, or emergency medical services entity may enter into and renew a mutual aid agreement in accordance with this section with:

(1) Delaware;

(2) the District of Columbia;

(3) Pennsylvania;

(4) Virginia;

(5) West Virginia; or

(6) a fire, rescue, or emergency medical services entity of this State, Delaware, the District of Columbia, Pennsylvania, Virginia, or West Virginia.

(b) *Claims arising out of mutual aid activities*. — (1) Subject to paragraph (2) of this subsection, a mutual aid agreement may provide that a party that requests assistance under the mutual aid agreement indemnifies and holds harmless a party that provides assistance under the mutual aid agreement from any claim by a third party for property damage or personal injury that arises out of the mutual aid activities, including travel, of the party that provides assistance that occurs outside its own jurisdiction.

(2) The party that requests assistance need not indemnify the party that provides assistance if:

(i) the party that provides assistance does not cooperate in defending against a claim made by a third party; or

(ii) the claim by a third party arises out of a malicious act of the party that provides assistance.

(c) *Required waiver of claims.* — Each mutual aid agreement shall provide that each party to the mutual aid agreement shall waive any and all claims against all other parties to the mutual aid agreement if the claim arises out of the activities of a party outside its own jurisdiction under the mutual aid agreement. (An. Code 1957, art. 38A, § 37(b)-(d); 2003, ch. 5, § 2.)

Cited in TransCare Maryland, Inc. v. Murray, 431 Md. 225, 64 A.3d 887 (2013).

§ 7-104. Agreements with federal government to provide fire fighting or rescue activities.

(a) *Authorized.* — A fire, rescue, or emergency medical services entity may enter into an agreement with the federal government in accordance with this section to provide fire fighting or rescue activities on property under the jurisdiction of the United States.

(b) *Limitation.* — An agreement entered into under this section shall be limited to the provision of fire fighting or rescue equipment and personnel or both.

(c) *Required provisions.* — An agreement entered into under this section shall include:

(1) a waiver by each party of any claim against any other party for compensation for any loss, damage, personal injury, or death that occurs in the performance of the agreement;

(2) a provision to indemnify and hold harmless each party to the agreement from any claim by a third party for property damage or personal injury, within the limitations permitted by federal law, that arise out of the activities of each party to the agreement; and

(3) a provision that entitles the fire, rescue, or emergency medical services entity to obtain reimbursement from the appropriate federal authority for all or part of the cost of providing fire protection on property under the jurisdiction of the United States in accordance with federal law.

(d) *Benefits under workers' compensation law.* — If an individual engaging in an activity authorized under this section sustains an injury that arises out of the activity, the individual is entitled to any or all benefits available under the Maryland Workers' Compensation Act as the primary remedy for reimbursement of expenses for medical bills, loss of earnings, and disability that arises under or as a result of this section. (An. Code 1957, art. 38A, § 38; 2003, ch. 5, § 2; 2009, ch. 159.)

§ 7-105. Training in emergency response measures.

(a) *In general.* — Each fire department in the State may have members trained in response measures that involve fire and other emergency techniques including, if approved by the Secretary of State Police, the use of helicopters or other equipment of the Department of State Police.

(b) *Authority to function at specified location.* — On request of a fire chief at any location in the State, a firefighter or member of the Department of State Police who has been trained in the response measures described in subsection

(a) of this section may function at that location. (An. Code 1957, art. 38A, § 38A; 2003, ch. 5, § 2.)

§ 7-106. Benefits accruing under workers' compensation and related laws.

For purposes of a workers' compensation or other law or benefit that would accrue to an individual, career or volunteer, who is performing a service anywhere for a fire, rescue, or emergency medical services entity under a mutual aid agreement, the individual is considered to have performed that service in the course of employment and in the line of duty. (An. Code 1957, art. 38A, § 39; 2003, ch. 5, § 2.)

§ 7-107. Expenditures.

Necessary expenditures for purposes of this subtitle shall be made out of any appropriations usually available to a fire, rescue, or emergency medical services entity. (An. Code 1957, art. 38A, § 40; 2003, ch. 5, § 2.)

Cited in *TransCare Maryland, Inc. v. Murray*, 431 Md. 225, 64 A.3d 887 (2013).

Subtitle 2. Members of Volunteer Fire Companies and Rescue Squads.

Part I. Disability and Death Benefits.

§ 7-201. "Board" defined.

In Part I of this subtitle, "Board" means the Board of Trustees of the Maryland State Firemen's Association. (An. Code 1957, art. 38A, §§ 42(a), 42A(a); 2003, ch. 5, § 2.)

§ 7-202. Disability benefits.

(a) *Eligibility.* — (1) A member of a volunteer fire company or volunteer rescue squad is eligible for disability benefits from the Maryland State Firemen's Association if:

(i) the member's fire company or rescue squad recommends that the member receive benefits; and

(ii) the member is permanently or temporarily disabled:

1. as a direct result of actively participating in fighting a fire;
2. while going to or from a fire;
3. while performing other duties necessary to the operation or maintenance of the fire company;
4. while actively participating in the emergency medical services unit, or rescue work of a volunteer advanced life support unit or a volunteer fire, ambulance, or rescue company located in the State; or
5. while providing emergency or rescue assistance, whether acting alone or at the direction of or with a fire, ambulance, or rescue company or advanced life support unit.

(2) A benefit under this section shall be paid:

- (i) regardless of the district in which the beneficiary was disabled; or
- (ii) regardless of whether the beneficiary was disabled in this State, Delaware, the District of Columbia, Pennsylvania, Virginia, or West Virginia.

(b) *Amount and manner of payment.* — The Board shall pay a benefit under this section from the treasury of the Maryland State Firemen's Association in the amount and in the manner that the Board determines until the beneficiary is no longer disabled.

(c) *Name of beneficiary added to list.* — The secretary of the Board shall add the name of each beneficiary under this section to the Disabled Firemen's and Rescue Squadmen's List. (An. Code 1957, art. 38A, § 42(b)-(e); 2003, ch. 5, § 2.)

Cross references. — For present provisions concerning pensions generally, see Titles 20 through 39 of the State Personnel and Pensions Article.

Benefits constituting employer/employee relationship. — In an employment discrimination action, the district court's decision that benefits received by fire company

members pursuant to a prior version of this section were not sufficient as compensation to make them employees under Title VII involved the resolution of a disputed material fact; therefore, summary judgment was inappropriate. *Haavistola v. Community Fire Co.*, 6 F.3d 211 (4th Cir. 1993).

§ 7-203. Death benefits.

(a) *Eligibility.* — (1) The Board shall pay death benefits under this section if a member of a volunteer fire company or member of a volunteer rescue squad dies:

- (i) as a direct result of actively participating in fighting a fire;
- (ii) while going to or from a fire;
- (iii) while performing other duties necessary to the operation or maintenance of the fire company;
- (iv) while actively participating in the ambulance, advanced life support, or rescue work of a volunteer advanced life support unit or volunteer fire, ambulance, or rescue company located in the State; or
- (v) while providing emergency or rescue assistance, whether acting alone or at the direction of or with a fire, ambulance, or rescue company or advanced life support unit.

(2) A benefit under this subsection shall be paid:

- (i) regardless of the district in which the decedent died; or
- (ii) regardless of whether the decedent died in this State, Delaware, the District of Columbia, Pennsylvania, Virginia, or West Virginia.

(b) *Amount of payment and to whom paid.* — (1) The Board shall pay a benefit under this section from the treasury of the Maryland State Firemen's Association in the amount that the Board determines, but not less than \$2,000.

(2) The Board shall pay a benefit under this subsection:

- (i) to the decedent's surviving spouse or dependent child;
- (ii) if no individual is eligible under item (i) of this paragraph, to the decedent's surviving dependent parent;
- (iii) if no individual is eligible under item (i) or (ii) of this paragraph, to each surviving child of the decedent in equal shares;

(iv) if no individual is eligible under item (i), (ii), or (iii) of this paragraph, to the decedent's surviving parent; or

(v) if no individual is eligible under item (i), (ii), (iii), or (iv) of this paragraph, to each surviving sister, brother, or grandparent of the decedent in equal shares.

(c) *Pension benefits.* — (1) If there is a surviving spouse or dependent child:

(i) until the surviving spouse remarries, the surviving spouse is entitled to receive a pension from the Maryland State Firemen's Association; and

(ii) until the dependent child becomes an adult, each dependent child is entitled to receive a pension from the Maryland State Firemen's Association.

(2) The Board shall pay a benefit under this subsection from the treasury of the Maryland State Firemen's Association in the amount, at the times, and in the installments that the Board determines.

(3) The secretary of the Board shall add the name of each beneficiary under this subsection to the Disabled Firemen's and Rescue Squadmen's List. (An. Code 1957, art. 38A, § 42A(b)-(d); 2003, ch. 5, § 2.)

§ 7-204. Funding.

(a) *In general.* — The Governor shall include in the State budget each year at least \$55,000:

(1) for the purposes set forth in §§ 7-202 and 7-203 of this subtitle; and

(2) for scholarships for children of members of volunteer fire companies or volunteer rescue squads who are killed or disabled in the line of duty, as provided in § 18-602 of the Education Article.

(b) *Administration.* — The Board:

(1) shall administer the money provided under subsection (a) of this section; and

(2) may not use it for administrative costs. (An. Code 1957, art. 38A, § 42B; 2003, ch. 5, § 2.)

§ 7-205. On duty for purposes of Federal Act.

A member of a volunteer fire company or rescue squad who is engaged in a fire fighting or rescue activity with an organized fire or rescue company is considered to be on duty during the activity for the purposes of the Federal Public Safety Officers' Benefits Act of 1976. (An. Code 1957, art. 38A, § 45; 2003, ch. 5, § 2.)

Subtitle 3. Members of Fire Companies Appointed as Deputy Sheriffs.

§ 7-301. "Commanding officer" defined.

In this subtitle, "commanding officer" means the captain, chief, or other officer in charge of a fire company or ambulance company. (2003, ch. 5, § 2; 2007, ch. 194.)

§ 7-302. Appointment of members of fire companies as deputy sheriffs — Baltimore, Caroline, Dorchester and Queen Anne’s counties.

(a) *Scope of section.* — This section applies only to Baltimore County, Dorchester County, and Queen Anne’s County.

(b) *In general.* — The sheriff of a county subject to this section may appoint as deputy sheriffs members of fire companies, whether volunteer, career, incorporated, or unincorporated, to exercise the powers of deputy sheriffs at fires and while going to and from fires.

(c) *Designation by commanding officer.* — (1) The commanding officer may designate three members of the fire company to be appointed as deputy sheriffs.

(2) The commanding officer may be one of the three members designated under this subsection.

(d) *Appointment by sheriff.* — (1) The sheriff of a county subject to this section shall appoint as deputy sheriff a member of the fire company designated under subsection (c) of this section on request of the designated member.

(2) A request for appointment shall be accompanied by a written certificate of designation signed by the commanding officer.

(e) *Powers.* — (1) Except as provided in paragraph (2) of this subsection, a member of a fire company appointed as deputy sheriff under this section may exercise the powers of deputy sheriffs at fires and while going to and from fires.

(2) The powers of members appointed as deputy sheriffs do not apply and may not be exercised in a municipal corporation that maintains an organized police force.

(f) *Termination of appointment; removal; replacement.* — (1) The appointment of a member of a fire company as deputy sheriff terminates if the member ceases to be a member of the fire company.

(2) The sheriff of a county subject to this section may remove a member appointed as deputy sheriff at any time for just cause.

(3) If a member appointed as deputy sheriff dies, resigns, is dismissed, refuses to serve, or is unable to serve, the commanding officer may designate another member of the fire company to be appointed as deputy sheriff.

(4) If the commanding officer designates another member of the fire company to be appointed as deputy sheriff, the sheriff of the county shall appoint that member as deputy sheriff, subject to subsections (d) and (e) of this section. (An. Code 1957, art. 87, §§ 49-52, 53(a), (c), 54; 2003, ch. 5, § 2; 2007, chs. 194, 430; 2015, ch. 166; 2016, chs. 575, 576.)

Effect of amendments. — Chapters 575 and 576, Acts 2016, effective October 1, 2016, made identical changes. Each deleted “Cecil

County” after “Baltimore County” in (a) and reenacted (b) without change.

§ 7-303. Appointment of members of fire companies as deputy sheriffs — Allegany, Caroline, Carroll, Dorchester, Frederick, Harford, Kent, Somerset, Talbot, Wicomico, and Worcester counties.

(a) *Scope of section; applicability of § 7-302.* — (1) This section applies only to Allegany County, Caroline County, Carroll County, Dorchester County, Frederick County, Harford County, Kent County, Somerset County, Talbot County, Wicomico County, and Worcester County.

(2) Except as modified by this section, the provisions of § 7-302 of this subtitle apply to this section.

(b) *Designation by commanding officer.* — (1) Except as provided in paragraph (2) of this subsection, the commanding officer may designate 12 members of a fire company to be appointed as deputy sheriffs.

(2) In Harford County, the commanding officer may designate 20 members of a fire company to be appointed as deputy sheriffs.

(c) *Training.* — (1) The sheriff of a county subject to this section may require a member of a fire company appointed as deputy sheriff to demonstrate a satisfactory level of training in those areas of law enforcement commensurate with the duties of deputy sheriff described in this section.

(2) If the sheriff requires demonstration of a satisfactory level of training, then the sheriff must provide the training, at a time and place that the sheriff considers suitable.

(d) *Powers.* — (1) The powers of members of fire companies appointed as deputy sheriffs under this section are limited to those necessary to perform the duties of deputy sheriffs while functioning at:

- (i) parades;
- (ii) accidents;
- (iii) floods;
- (iv) other emergencies; or

(v) public events conducted by or under the auspices of a fire company or the sheriff's department.

(2) The powers authorized under this subsection may be exercised:

(i) in a municipal corporation, subject to the discretion and control of the chief of the police force of the municipal corporation;

(ii) in other areas of the county; and

(iii) on State roads, subject to the discretion and control of the Department of State Police.

(3) A member appointed as deputy sheriff is deemed to be performing the duties of deputy sheriff when on duty and wearing a badge of authority.

(4) A member appointed as deputy sheriff may not use a weapon in the performance of duties authorized under this subsection.

(5) In Allegany County, Caroline County, Carroll County, Frederick County, Harford County, and Talbot County, a member appointed as deputy sheriff may also perform traffic control for public functions held by a municipal corporation, group, or committee on request for and approval of the services by the sheriff.

(e) *Chain of command.* — (1) (i) A member appointed as deputy sheriff performing the duties of deputy sheriff in an emergency situation to which a fire company or ambulance company has been dispatched by the Allegany County Emergency Management Center in Allegany County, the Frederick County Central Alarm Board in Frederick County, or the Carroll County Emergency Operations Center in Carroll County, is subject to the authority of the commanding officer of that fire company or ambulance company.

(ii) If a member appointed as deputy sheriff is not a member in good standing of the fire company or ambulance company that has been dispatched, then the member may not perform the duties described in this section.

(2) A member appointed as deputy sheriff performing the duties of deputy sheriff at a public event conducted by or under the auspices of a fire company or ambulance company is subject to the authority of the commanding officer of that fire company or ambulance company. (An. Code 1957, art. 87, § 53(b)(1)-(7); 2003, ch. 5, § 2; 2007, ch. 194; 2013, ch. 414; 2015, ch. 166; 2016, chs. 9, 575, 576.)

Effect of amendments. — Chapter 9, Acts 2016, approved March 14, 2016, and effective from date of enactment, reenacted (b) and (c) without change to make a technical correction to the function paragraph of ch. 166, Acts 2015.

Chapters 575 and 576, Acts 2016, effective October 1, 2016, made identical changes. Each deleted “Cecil County” after “Carroll County” in (a)(1); and in (b)(2) deleted “Cecil County and” before “Harford County.”

§ 7-304. Appointment of members of fire or ambulance companies as fire police — Cecil County and Washington County.

(a) *“Fire and ambulance company” defined.* — In this section, “fire and ambulance company” means a volunteer, career, incorporated, or unincorporated fire or ambulance company.

(b) *Scope.* — This section applies only to Cecil County and Washington County.

(c) *Designation of fire police.* — (1) (i) The commanding officer may designate to the sheriff of a county up to 20 individuals who are members of the commanding officer’s fire or ambulance company to be appointed as fire police.

(ii) A written certificate of designation signed by the commanding officer shall accompany each request for appointment under subparagraph (i) of this paragraph.

(2) (i) The Sheriff of Washington County shall appoint individuals to serve as fire police in Washington County from those members designated by the commanding officer under paragraph (1) of this subsection.

(ii) The Sheriff of Cecil County may appoint individuals to serve as fire police in Cecil County from those members designated by the commanding officer under paragraph (1) of this subsection.

(d) *Powers of fire police.* — (1) The powers of individuals serving as fire police are limited to traffic control and scene safety while functioning at:

- (i) parades;
- (ii) accidents;
- (iii) fires;

(iv) floods;

(v) other emergencies; or

(vi) public events conducted by a fire or ambulance company or the Sheriff's department.

(2) The powers authorized under this subsection may be exercised:

(i) in a municipal corporation in the county, subject to the discretion and control of the chief of the police force of the municipal corporation; or

(ii) in other areas of the county.

(3) An individual appointed to serve as fire police in Washington County may not use a weapon in the performance of duties authorized under this subsection.

(e) *Termination of appointment.* — (1) The appointment of a member of a fire or ambulance company as fire police terminates if the member ceases to be a member of the fire or ambulance company.

(2) The sheriff of a county may remove a member appointed as fire police at any time.

(3) If a member appointed to serve as fire police dies, resigns, is dismissed, refuses to serve, or is unable to serve, the commanding officer may designate another member of the fire or ambulance company to be appointed as fire police.

(f) *Fire police as appointed official.* — An individual appointed to serve as fire police in Washington County under this section is deemed an appointed official and shall be treated as an appointed official for purposes of Title 22 and Title 23 of the State Personnel and Pensions Article. (2007, ch. 430; 2016, chs. 575, 576; 2017, ch. 62, § 1.)

Effect of amendments. — Chapters 575 and 576, Acts 2016, effective October 1, 2016, made identical changes. Each added “Cecil County and” in (b); in (c)(1)(i) and (e)(2) substituted “a county” for “Washington County”; in (c)(1)(i) and (e)(1) and in the introductory language of (d)(1) deleted “in Washington County”

after “fire police”; added the (c)(2)(i) designation; added (c)(2)(ii); in (d)(2)(i) and (d)(2)(ii) substituted “the county” for “Washington County”; and made stylistic changes.

Section 1, ch. 62, Acts 2017, approved April 11, 2017, and effective from date of enactment, made a stylistic change in (d)(2)(i).

Subtitle 4. Miscellaneous Provisions.

§ 7-401. Provision of fire, ambulance, and rescue services for for-profit entities.

(a) *Scope of section.* — This section does not apply to nonemergency transportation or ambulance billing services performed by an ambulance service or by any other provider.

(b) *Limitation.* — A county or municipal corporation that bargains collectively with fire, emergency medical services, paramedic, and rescue personnel may not contract with a for-profit entity to provide the county's or municipal corporation's complete fire suppression or ambulance and rescue services without the enactment of an ordinance or other local law that authorizes the action.

(c) *Enactment of local budget bill.* — The requirement that a county or municipal corporation enact an ordinance or other local law under subsection

(b) of this section may not be satisfied through the enactment of a local budget bill. (An. Code 1957, art. 38A, § 68; 2003, ch. 5, § 2.)

§ 7-402. Interference, obstruction, or false representation prohibited; penalty.

(a) *Interference with or obstruction of emergency assistance prohibited.* — A person may not willfully interfere with or obstruct a firefighter, a rescue squad member, or emergency services personnel while the firefighter, rescue squad member, or emergency services personnel:

- (1) is fighting a fire, performing emergency services, or proceeding to a fire or other emergency; or
- (2) is dispatched on a call for emergency services.

(b) *Impersonating firefighter or emergency services personnel prohibited.* — A person may not, with fraudulent design on person or property, falsely represent that the person is a member of a career or volunteer fire department, rescue squad, or emergency services unit of the State or a county or municipal corporation of the State.

(c) *Wearing firefighter articles or imitations prohibited.* — A person may not have, use, wear, or display without proper authority, for the purpose of deception, a uniform, shield, button, ornament, identification, or shoulder patch, or a simulation or imitation of these articles, adopted by a career or volunteer fire department, rescue squad, or emergency services unit.

(d) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years. (An. Code 1957, art. 27, § 11D(a), (c), (d); 2003, ch. 5, § 2.)

§ 7-403. Limited access to private water sources.

If no public water source is available to a fire company to supply water to extinguish a fire or mitigate an emergency incident, a fire company may enter private property to obtain water from a private water source, such as a privately owned pond, lake, river, stream, canal, cistern, or swimming pool, to extinguish the fire or otherwise mitigate the emergency incident. (2006, ch. 53.)

TITLE 8.

FIRE AND RESCUE FUNDS.

Subtitle 1. Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

§ 8-101. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Administrative costs.* — (1) “Administrative costs” means any costs that are for administrative functions, including:

- (i) billing and collection expenses;
- (ii) promotion and marketing expenses;
- (iii) taxes, fees, and assessments;
- (iv) legal expenses; and
- (v) other general and administrative costs as determined by the Director.

(2) “Administrative costs” does not include:

- (i) accounting and financial reporting expenses, including the costs of auditing the Fund in accordance with § 8-104 of this subtitle; or
- (ii) computer software, if used exclusively for fire protection, rescue, and ambulance services.

(c) *Bank account*. — “Bank account” means a checking or savings account that is maintained in a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation.

(d) *Capital equipment*. — “Capital equipment” means any equipment item or furnishing that has:

- (1) a useful life greater than 1 year; and
- (2) a procurement cost of at least \$10,000 per unit.

(e) *Capital expenditure*. — “Capital expenditure” means revenues appropriated for:

- (1) the acquisition of land, buildings, or capital equipment; or
- (2) new construction.

(f) *Computer software*. — (1) “Computer software” means any program that is used to cause a computer to perform a specific task or set of tasks.

- (2) “Computer software” includes:
 - (i) system and application programs; and
 - (ii) database storage and management programs.

(g) *Director*. — “Director” means the Director of the Maryland Emergency Management Agency.

(h) *Encumber*. — “Encumber” means to create a legal obligation that requires a portion of an appropriation to be reserved to pay money in the future.

(i) *Expenditures for fire protection*. — (1) “Expenditures for fire protection” means:

- (i) revenues appropriated or to be appropriated by a county for fire protection, rescue, and ambulance services; and
- (ii) the proceeds of any county bonds used to finance facilities that house equipment for fire protection, rescue, and ambulance services.

(2) “Expenditures for fire protection” includes:

- (i) revenues appropriated by a county to volunteer fire, rescue, and ambulance companies;
- (ii) accounting and financial reporting expenses, including the costs of auditing the Fund in accordance with § 8-104 of this subtitle; and
- (iii) the costs of training personnel.

(3) “Expenditures for fire protection” does not include:

- (i) salaries, workers’ compensation, fringe benefits, or other personnel costs;

(ii) administrative costs;
 (iii) capital expenditures; or
 (iv) in Carroll County, appropriations for loans to a volunteer fire, rescue, or ambulance company, secured by mortgages, notes, or other evidence of indebtedness of the volunteer fire, rescue, or ambulance company, if the appropriations derive from the proceeds of bonds used to finance facilities that house equipment for fire protection, rescue, and ambulance services.

(j) *Fund*. — “Fund” means the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

(k) *Legal obligation*. — “Legal obligation” includes:

- (1) a purchase order;
- (2) a written agreement for the purchase of goods and services;
- (3) a written agreement between a county and a volunteer fire, rescue, or ambulance company; and
- (4) a written agreement between a county and a vendor.

(l) *Qualified municipal corporation*. — (1) “Qualified municipal corporation” means a municipal corporation in the State whose expenditures for fire protection from municipal sources exceed \$25,000.

(2) “Qualified municipal corporation” does not include Baltimore City.

(m) *Rehabilitate*. — “Rehabilitate”, with regard to a facility, does not include purchasing office equipment or incurring administrative expenses.

(n) *Routine maintenance costs*. — “Routine maintenance costs” means expenditures for activities that are:

- (1) normally established by a manufacturer or an industry trade association;
- (2) planned and performed at regular intervals; and
- (3) necessary to extend the useful life or to prevent the premature failure of building components or equipment. (An. Code 1957, art. 38A, § 45A(a), (c)-(g); 2003, ch. 5, § 2; 2005, chs. 100, 101; 2014, ch. 225.)

§ 8-102. Senator William H. Amoss Fire, Rescue, and Ambulance Fund [Abrogation of amendment subject to contingency].

(a) *Established*. — There is a Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

(b) *Purposes*. — The purposes of the Fund are to promote:

- (1) the delivery of effective and high quality fire protection, rescue, and ambulance services in the State;
- (2) increased financial support for fire, rescue, and ambulance companies by counties; and
- (3) the continued financial viability of volunteer fire, rescue, and ambulance companies given the greatly increased costs of equipment.

(c) *Administration*. — (1) The Director shall administer the Fund.

(2) Subject to paragraph (3) of this subsection, the Director may adopt procedures to carry out this subtitle, including additional auditing and reporting requirements.

(3) The Director may not impose training or operational requirements as a precondition to receipt of money, except as otherwise expressly provided in this subtitle.

(d) *Composition.* — The Fund consists of:

(1) money appropriated in the State budget to the Fund; and

(2) revenue distributed to the Fund under § 16-609 of the Business Regulation Article.

(e) *Payments.* — (1) As authorized by the Director, the Treasurer shall make payments out of the Fund to each county on warrant of the Comptroller.

(2) The Treasurer shall make the payments required under this subsection to the appropriate county on or about November 15.

(f) *Use of State money.* — (1) State money provided under this section may only be used to:

(i) acquire or rehabilitate fire or rescue equipment, including ambulances;

(ii) acquire or rehabilitate capital equipment used in connection with fire or rescue equipment;

(iii) rehabilitate facilities used primarily to house fire fighting equipment, ambulances, and rescue vehicles;

(iv) install life safety and fire protection systems at a fire, a rescue, or an ambulance facility;

(v) acquire land that is adjacent to an existing fire, rescue, or ambulance facility for the purpose of rehabilitating that facility;

(vi) acquire wireless telecommunications devices, computers, and related computer equipment if used exclusively for fire protection, rescue, and ambulance services; and

(vii) acquire machinery and equipment if used exclusively for fire protection, rescue, and ambulance services.

(2) State money provided under this section may not be used:

(i) for administrative costs;

(ii) for compensation or fringe benefits to employees or members of county governments, or fire, rescue, or ambulance companies;

(iii) for travel or meal expenses;

(iv) for fuel, utility, or routine maintenance costs of facilities or equipment;

(v) to acquire new or replacement fire hydrants or water mains;

(vi) for insurance;

(vii) for fund-raising activities;

(viii) to replace or repair eligible items to the extent that insurance proceeds are available;

(ix) for costs associated with the “9-1-1” emergency telephone system; or

(x) for land or interests in land, except as provided in paragraph (1)(v) of this subsection. (An. Code 1957, art. 38A, § 45B; 2003, ch. 5, § 2; 2005, chs. 100, 101; 2007, ch. 497; 2010, ch. 479; 2013, chs. 331, 332; 2014, ch. 225.)

Editor’s note. — Section 2, ch. 497, Acts 2007, provides that “this Act shall take effect July 1, 2008. It shall remain effective until a

federal reduced cigarette ignition propensity standard is adopted and become effective. If a federal reduced cigarette ignition propensity

standard is adopted and becomes effective, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect. The Comptroller shall monitor federal actions regarding the establishment of fire safety standards for cigarettes and promptly forward notice of the adoption of

a federal reduced cigarette ignition propensity standard to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.”

Quoted in *Murray v. Transcare Md., Inc.*, 203 Md. App. 172, 37 A.3d 987 (2012).

(Abrogation of amendment contingent on adoption of federal standard.)

§ 8-102. Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

(a) Established. — There is a Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

(b) Purposes. — The purposes of the Fund are to promote:

(1) the delivery of effective and high quality fire protection, rescue, and ambulance services in the State;

(2) increased financial support for fire, rescue, and ambulance companies by counties; and

(3) the continued financial viability of volunteer fire, rescue, and ambulance companies given the greatly increased costs of equipment.

(c) Administration. — (1) The Director shall administer the Fund.

(2) Subject to paragraph (3) of this subsection, the Director may adopt procedures to carry out this subtitle, including additional auditing and reporting requirements.

(3) The Director may not impose training or operational requirements as a precondition to receipt of money, except as otherwise expressly provided in this subtitle.

(d) Composition. — The Fund consists of money appropriated in the State budget to the Fund.

(e) Payments. — (1) As authorized by the Director, the Treasurer shall make payments out of the Fund to each county on warrant of the Comptroller.

(2) The Treasurer shall make the payments required under this subsection to the appropriate county on or about November 15.

(f) Use of State money. — (1) State money provided under this section may only be used to:

(i) acquire or rehabilitate fire or rescue equipment, including ambulances;

(ii) acquire or rehabilitate capital equipment used in connection with fire or rescue equipment;

(iii) rehabilitate facilities used primarily to house fire fighting equipment, ambulances, and rescue vehicles;

(iv) install life safety and fire protection systems at a fire, a rescue, or an ambulance facility;

(v) acquire land that is adjacent to an existing fire, rescue, or ambulance facility for the purpose of rehabilitating that facility;

(vi) acquire wireless telecommunications devices, computers, and related computer equipment if used exclusively for fire protection, rescue, and ambulance services; and

(vii) *acquire machinery and equipment if used exclusively for fire protection, rescue, and ambulance services.*

(2) *State money provided under this section may not be used:*

(i) *for administrative costs;*

(ii) *for compensation or fringe benefits to employees or members of county governments, or fire, rescue, or ambulance companies;*

(iii) *for travel or meal expenses;*

(iv) *for fuel, utility, or routine maintenance costs of facilities or equipment;*

(v) *to acquire new or replacement fire hydrants or water mains;*

(vi) *for insurance;*

(vii) *for fund-raising activities;*

(viii) *to replace or repair eligible items to the extent that insurance proceeds are available;*

(ix) *for costs associated with the “9-1-1” emergency telephone system; or*

(x) *for land or interests in land, except as provided in paragraph (1)(v) of this subsection.*

(2007, ch. 497.)

Editor’s note. — Section 2, ch. 497, Acts 2007, provides that “this Act shall take effect July 1, 2008. It shall remain effective until a federal reduced cigarette ignition propensity standard is adopted and become effective. If a federal reduced cigarette ignition propensity standard is adopted and becomes effective, with no further action required by the General Assembly, this Act shall be abrogated and of no

further force and effect. The Comptroller shall monitor federal actions regarding the establishment of fire safety standards for cigarettes and promptly forward notice of the adoption of a federal reduced cigarette ignition propensity standard to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.” This section is set out above as it will appear when the contingency is met.

§ 8-103. Allocation and distribution of money.

(a) *Allocation to counties.* — Subject to subsection (c) of this section, each county shall receive an initial allocation of money based on a percentage to be determined in the following manner:

(1) the Director of Assessments and Taxation shall certify to the Director each county’s total percentage of land use property tax accounts, including vacant unimproved properties, relative to the statewide total of all land use property tax accounts for the first completed fiscal year immediately preceding the fiscal year for which money is to be allocated;

(2) except as provided in item (3) of this subsection, the percentage determined in item (1) of this subsection shall then be applied for each county to any amount included in the State budget for the purposes of this subtitle; and

(3) each county shall receive an allocation of at least 2% of the total Fund as appropriated in the State budget, in addition to the amount that is distributed to fire, rescue, and ambulance companies, departments, or stations located in qualified municipal corporations in accordance with subsection (c) of this section.

(b) *Formula for distribution of percentage to volunteer fire, rescue, and ambulance companies; reports.* — (1) In accordance with the formula provided

in paragraph (2) of this subsection, each county shall distribute a minimum percentage of funds that the county receives from the Fund to volunteer fire, rescue, and ambulance companies.

(2) The percentage of funds required to be distributed by each county under paragraph (1) of this subsection shall be equal to the same total percentage of funds distributed by each county to volunteer fire, rescue, and ambulance companies from the Fund in fiscal year 2011 or at least 51% of the allocation received by each county under subsection (a) of this section, whichever is greater.

(3) Each county shall distribute the money provided under this subsection on the basis of need, as determined by the county, to volunteer fire, rescue, and ambulance companies.

(4) In determining need under this subsection, the county shall consider:

(i) the failure to meet minimum standards established by the county or the Maryland State Firemen's Association;

(ii) the existence or potential existence of an emergency situation as described in § 8-203 of this title;

(iii) the age and condition of existing facilities and equipment;

(iv) the lack of availability of mutual aid;

(v) any service problems associated with demographic conditions;

(vi) a company's inability to raise money to pay for an item; and

(vii) any other relevant factors.

(5) This subsection does not apply to:

(i) Baltimore City; or

(ii) distributions made to fire, rescue, and ambulance companies, departments, or stations located in qualified municipal corporations in accordance with subsection (c) of this section.

(c) *Distribution to fire, rescue, and ambulance companies, departments, or stations.* — (1) Subject to paragraph (6) of this subsection, each county shall distribute the money provided under this subtitle on the basis of need to fire, rescue, and ambulance companies, departments, or stations in the county, including companies, departments, or stations:

(i) located in municipal corporations; or

(ii) located outside the State if the company, department, or station:

1. has been a member of the Maryland State Firemen's Association for at least the past 10 years; and

2. has a first due response area in the State.

(2) Each county shall determine need in accordance with procedures that the county uses to adopt its budget.

(3) In determining need under this subsection, the county shall consider:

(i) the failure to meet minimum standards established by the county or the Maryland State Firemen's Association;

(ii) the existence or potential existence of an emergency situation as described in § 8-203 of this title;

(iii) the age and condition of existing facilities and equipment;

(iv) the lack of availability of mutual aid;

(v) any service problems associated with demographic conditions; and

(vi) any other relevant factors.

(4) In addition to consideration of the factors in paragraph (3) of this subsection, for a volunteer company the county shall consider the company's inability to raise money to pay for the item.

(5) Notwithstanding paragraphs (3) and (4) of this subsection, each county shall give the highest funding priority to the failure to meet minimum standards or the existence of an emergency situation as described in § 8-203 of this title.

(6) (i) In this paragraph, "expenditures of the qualified municipal corporation" includes revenues appropriated to volunteer fire, rescue, and ambulance companies.

(ii) Distribution of money to fire, rescue, and ambulance companies, departments, or stations located in qualified municipal corporations in a county in the aggregate may not be less than 50% of the proportion that the expenditures of the qualified municipal corporation bear to total aggregate expenditures for fire protection in that county.

(iii) A county shall distribute the money allocated under this paragraph to fire, rescue, and ambulance companies, departments, or stations located in qualified municipalities.

(7) (i) To receive money under this subsection, each county shall participate in the Maryland Fire Incident Reporting System and Ambulance Information System.

(ii) A county shall be deemed in compliance with subparagraph (i) of this paragraph if the county has participated in the Maryland Fire Incident Reporting System and Ambulance Information System during the immediately preceding fiscal year for which money is to be allocated.

(iii) The State Fire Marshal shall:

1. adopt policies and procedures for determining if a county has participated in the Maryland Fire Incident Reporting System; and

2. certify to the Director by July 1 of each year whether a county has participated in the Maryland Fire Incident Reporting System during the immediately preceding fiscal year.

(iv) The Executive Director of the Maryland Institute for Emergency Medical Services Systems shall:

1. adopt policies and procedures for determining if a county has participated in the Ambulance Information System; and

2. certify to the Director by July 1 of each year whether a county has participated in the Ambulance Information System during the immediately preceding fiscal year. (An. Code 1957, art. 38A, § 45C; 2003, ch. 5, § 2; 2005, ch. 25, § 12; chs. 100, 101; 2010, ch. 479; 2013, chs. 331, 332; 2014, ch. 225.)

§ 8-104. Use and expenditures of money.

(a) *In general.* — (1) (i) The money distributed under this subtitle shall be used by each county for the purposes listed in § 8-102(f)(1) of this subtitle as an addition to and may not be substituted for any money appropriated from sources other than the Fund.

(ii) In each fiscal year, each county shall make expenditures for fire protection from sources other than the Fund in an amount that is at least equal to the average amount of the expenditures for fire protection during the 3 preceding fiscal years.

(2) (i) If a county does not comply with the requirements of paragraph (1) of this subsection, the Director may withhold money allocated to the county for the fiscal year that begins after the submission of the report required under § 8-105 of this subtitle.

(ii) The penalty imposed under subparagraph (i) of this paragraph shall be equal to the percentage by which the county failed to meet the county's maintenance of effort under paragraph (1)(ii) of this subsection.

(3) (i) The Director shall automatically withhold money allocated to a county from the Fund if:

1. the county fails to comply with the requirements of paragraph (1) of this subsection for two consecutive fiscal years; and

2. no waiver has been granted by the Board of Public Works or the General Assembly in accordance with subsection (d) of this section.

(ii) The penalty imposed under subparagraph (i) of this paragraph shall be equal to the percentage by which the county failed to meet the county's maintenance of effort for the second consecutive fiscal year under paragraph (1)(ii) of this subsection.

(b) *Matching State money.* — (1) Each county shall make expenditures for fire protection from its own sources that are at least equal to the amount of State money to be received.

(2) A county may receive less than the amount initially allocated.

(3) In determining the amount of expenditures for fire protection made by a county, before certification, the Director shall review the financial information of the county for the first completed fiscal year before the fiscal year for which State money is appropriated.

(4) Money received from the Volunteer Company Assistance Fund under § 8-203 of this title or other State money may not be used as the match required under this subsection.

(c) *Allocation of undistributed money.* — (1) Money not distributed to a county because the requirements of subsections (a) and (b) of this section are not satisfied shall be distributed to the counties that meet the requirements of subsections (a) and (b) of this section in accordance with this subsection.

(2) (i) Subject to subparagraph (ii) of this paragraph, each county that meets the requirements of subsections (a) and (b) of this section shall receive an allocation of the money distributed under paragraph (1) of this subsection based on a percentage to be determined in accordance with § 8-103(a) of this subtitle.

(ii) For purposes of determining the percentage allocated to each county under this subsection, the property tax accounts of each county that fails to satisfy the requirements of subsection (a) or (b) of this section shall be excluded from the statewide total.

(3) Each county shall distribute money provided under this subsection in accordance with § 8-103(c) of this subtitle.

(d) *Waiver of maintenance of effort requirement.* — (1) The maintenance of effort requirement in subsection (a)(1)(ii) of this section does not apply to a county if the county requests and is granted a waiver from the requirement based on a determination that the county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement.

(2) (i) In order to qualify for a waiver for a fiscal year, a county shall:

1. seek a waiver from the General Assembly by legislation during the legislative session preceding the fiscal year in which the penalty for failing to comply with the maintenance of effort requirement is to be imposed; or

2. make a request for a waiver to the Board of Public Works by June 30 of the fiscal year preceding the fiscal year in which the penalty for failing to comply with the maintenance of effort requirement is to be imposed.

(ii) The Director shall provide a preliminary assessment of a waiver request to the Board of Public Works.

(3) When considering whether to grant a county's waiver request, the Board of Public Works shall consider the following factors:

(i) external environmental factors such as a loss of a major employer or industry affecting the county or a broad economic downturn affecting more than one county;

(ii) the county's tax base;

(iii) the county's maintenance of effort requirement relative to the county's statutory ability to raise revenues;

(iv) the county's history of exceeding the required maintenance of effort amount under subsection (a)(1)(ii) of this section;

(v) significant reductions in State aid to the county and municipalities of the county for the fiscal year for which a waiver is requested or new costs imposed on the county or municipalities of the county due to a change in State law, regulation, or policy; and

(vi) the number of waivers the county has received in the past 5 years.

(4) The Board of Public Works shall inform the county whether the waiver for a fiscal year is approved or denied in whole or part no later than 60 days after receipt of an application or August 30 of the fiscal year in which the waiver is requested, whichever is later.

(5) If a county is granted a waiver from the maintenance of effort provision in subsection (a)(1)(ii) of this section by either the Board of Public Works or the General Assembly for any fiscal year, the maintenance of effort calculation for the next fiscal year shall be calculated based on the three most recent fiscal years in which the county met the maintenance of effort requirement.

(6) (i) If a county is granted a waiver from the maintenance of effort calculation in subsection (a)(1)(ii) of this section by either the Board of Public Works or the General Assembly for 5 consecutive fiscal years, the county may request a waiver from the Board of Public Works to rebase the maintenance of effort calculation.

(ii) The Board of Public Works shall establish policies and procedures for:

1. requesting a waiver to rebase the maintenance of effort calculation; and

2. determining whether to grant a waiver to rebase the maintenance of effort calculation.

(iii) If a waiver to rebase the maintenance of effort calculation under this paragraph is granted, the maintenance of effort calculation shall be rebased to the average amount of expenditures for fire protection from sources other than the Fund during the 3 preceding fiscal years.

(7) A waiver granted by either the Board of Public Works or the General Assembly may not relieve a county of the requirement under subsection (b)(1) of this section.

(e) *Accounting and audit of money distributed to counties; encumbrance of money.* — (1) The money distributed under this subtitle and allocated to a county shall be:

(i) audited in accordance with the procedures for accounting and auditing of other governmental revenues; or

(ii) accounted for in a format developed by the Director.

(2) Money not expended by the county by the end of a fiscal year shall be placed in a special fund for expenditure in the next succeeding fiscal year.

(3) (i) Money distributed under this subtitle that remains unencumbered or unexpended by the county after the second fiscal year shall be repaid to the Director for deposit in the Fund.

(ii) The Comptroller may set off any shared revenues due to a county instead of repayment under this subsection.

(4) A volunteer fire, rescue, or ambulance company may not enter into a legal obligation to encumber money received under this subtitle with a duration of more than 2 years without prior approval from the county.

(5) (i) If a written agreement between a county and a volunteer fire, rescue, or ambulance company to encumber money becomes null and void, the money shall be placed in a special fund for expenditure by the county in the next succeeding fiscal year.

(ii) Money distributed under this paragraph that remains unencumbered or unexpended by the county after the second fiscal year shall be repaid to the Director for deposit in the Fund.

(iii) The Comptroller may set off any shared revenues due to a county instead of repayment under this paragraph.

(6) If a volunteer fire, rescue, or ambulance company creates a legal obligation to encumber money received from the Fund, the Director shall consider the legal obligation to be an encumbrance of the county for purposes of this subtitle.

(7) (i) Money distributed under this subtitle to be expended by a volunteer or municipal fire, rescue, or ambulance company shall be:

1. maintained in a separate bank account; and

2. except as provided in subparagraph (ii) of this paragraph, audited in the same manner as other money of the volunteer or municipal company is audited.

(ii) Money distributed under this subtitle to a volunteer or municipal fire, rescue, or ambulance company may be accounted for in a format developed by the Director.

(iii) Copies of the audit of the separate bank account shall be submitted to the respective county government and to the Maryland Emergency Management Agency.

(8) (i) A county or municipality may hold money distributed under this subtitle to a fire, rescue, or ambulance company in the county or municipality's bank account.

(ii) Money held by a county or municipality under subparagraph (i) of this paragraph may be maintained in a bank account with other county or municipal funds.

(iii) Money held by a county or municipality under subparagraph (i) of this paragraph shall be:

1. audited in accordance with the procedures for accounting and auditing of other governmental revenues; or

2. accounted for in a format developed by the Director. (An. Code 1957, art. 38A, § 45D(a)-(d); 2003, ch. 5, § 2; 2005, ch. 25, § 12; chs. 100, 101; 2013, chs. 331, 332; 2014, ch. 225.)

§ 8-105. Required reports.

(a) *By counties.* — (1) On or before December 31 of each year, each county shall submit to the Director a report for the preceding fiscal year in the format provided by the Director.

(2) The report required under paragraph (1) of this subsection shall include:

(i) the amount of money distributed to each recipient and the purpose of expenditure of this money categorized as provided in § 8-102(f)(1) of this subtitle;

(ii) the amount and disposition of any unencumbered or unexpended money;

(iii) the amount of expenditures for fire protection by the county, including the amount of money distributed to volunteer fire, rescue, and ambulance companies from sources other than the Fund; and

(iv) the nature and estimated dollar amount of any in-kind contributions made by the county to volunteer fire, rescue, and ambulance companies.

(b) *By Director.* — (1) Each year the Director shall report to the Governor and, subject to § 2-1257 of the State Government Article, to the General Assembly on the information provided by the counties on the distribution of money provided under this subtitle, including an assessment of the extent to which the purposes of this subtitle are being achieved.

(2) The report under paragraph (1) of this subsection shall state the amount of money distributed by each county under § 8-103(b) of this subtitle to volunteer fire, rescue, and ambulance companies. (An. Code 1957, art. 38A, § 45D(e)(1), (2), (f); 2003, ch. 5, § 2; 2005, chs. 100, 101; 2013, chs. 331, 332; 2014, ch. 225; 2019, ch. 6, § 1; ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Section 1, ch. 6, Acts 2019, effective June 1, 2019, enacted pursuant to art. II, § 17(b) of the Maryland Constitution without the Governor’s signature, repealed (a)(3).

Editor’s note. — Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the

State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

§ 8-106. Failure to comply with subtitle.

(a) *Actions by county.* — (1) After notice and an opportunity for a hearing, a county may withhold money allocated for the next fiscal year from a fire, rescue, or ambulance company that does not comply with the provisions of this subtitle.

(2) The failure of a fire, rescue, or ambulance company to comply with this subtitle may result in the forfeiture of the allocated money, in whole or in part.

(3) Money forfeited by a fire, rescue, or ambulance company under paragraph (2) of this subsection shall be reallocated by the county to compliant fire, rescue, and ambulance companies.

(b) *Actions by Director.* — (1) The Director may withhold money allocated for the next fiscal year under this subtitle from a county if the county does not comply with this subtitle.

(2) After notice and an opportunity for a hearing, failure of a county to comply with this subtitle may result in the forfeiture of the allocated money, in whole or in part.

(c) *Reversion of withheld money.* — Money withheld under this section reverts to the Fund. (An. Code 1957, art. 38A, § 45D(e)(3); 2003, ch. 5, § 2; 2005, chs. 100, 101; 2014, ch. 225.)

Subtitle 2. Volunteer Company Assistance Fund.

§ 8-201. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Association.* — “Association” means the Maryland State Firemen’s Association.

(c) *Department.* — “Department” means the Military Department.

(d) *Fund.* — “Fund” means the Volunteer Company Assistance Fund.

(e) *Volunteer company.* — “Volunteer company” means a volunteer ambulance, fire, or rescue company:

(1) located in the State; or

(2) located outside the State if the company:

(i) has been a member of the Association for at least the past 10 years; and

(ii) has a first due response area in the State. (An. Code 1957, art. 38A, § 46(a)(1), (2), (4), (5); 2003, ch. 5, § 2; 2005, ch. 136; 2010, ch. 479; 2011, ch. 158.)

§ 8-202. Volunteer Company Assistance Fund — In general.

(a) *Established.* — There is a Volunteer Company Assistance Fund.

(b) *Status.* — (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(c) *Annual appropriation.* — After consultation with the Association, the Governor may include in the State budget each year an appropriation to the Fund.

(d) *Composition.* — (1) Any investment earnings of the Fund shall be credited to the Fund.

(2) Repayments on loans from the Fund shall be placed in the Fund and made available to fund grant or loan requests.

(e) *Development of criteria, terms; recommendations.* — For the purpose of making loans under this subtitle, the Association shall:

(1) develop loan criteria;

(2) develop loan terms, including interest rates; and

(3) recommend to the Board of Public Works the approval or denial of loans. (An. Code 1957, art. 38A, § 46(b)-(e); 2003, ch. 5, § 2; 2004, ch. 430, § 1; 2005, ch. 136; 2010, ch. 479.)

Editor's note. — Section 2, ch. 136, Acts 2005, provides that “it is the intent of the General Assembly that appropriations to the Volunteer Company Assistance Fund established under § 8-202 of the Public Safety Article shall cease after Fiscal Year 2021 or after the State has contributed \$20,000,000 to the Fund, whichever occurs first.”

Section 3, ch. 136, Acts 2005, provides that “it is the intent of the General Assembly that the Governor shall include in the State budget each year an appropriation for grants and loans from the Volunteer Company Assistance Fund established under § 8-202 of the Public Safety Article.”

§ 8-203. Volunteer Company Assistance Fund — Purpose; grants.

(a) *Purpose.* — The purpose of the Fund is to ensure adequate fire protection and rescue services in the State.

(b) *Use of money.* — A grant or loan awarded under this section shall be used only for purchasing, replacing, or improving:

(1) equipment, including elevated equipment, pumpers, tankers, ladder trucks, ambulances, rescue vehicles, or other large equipment used for fire fighting and emergency services;

(2) communications equipment;

(3) protective equipment, including helmets, turnout coats and pants, boots, eyeshields, gloves, and self-contained respiratory protection units;

(4) any other equipment necessary to carry out the ordinary functions of supporting fire fighting and rescue activities; or

(5) facilities used to house fire fighting equipment, ambulances, and rescue vehicles.

(c) *Required match.* — (1) (i) A volunteer company receiving a grant from the Fund shall provide at least a 30% match of the amount of the grant.

(ii) If a volunteer company cannot reasonably provide the required match before the grant is disbursed, the Board of Public Works may waive the requirement or may allow repayment of the match within a reasonable time not exceeding 18 months after the purchase, replacement, or improvement of the equipment or facilities.

(2) (i) Money to provide the required match may include contributions from local government.

(ii) A local government may not reduce the amount of money that the volunteer company would otherwise be entitled to receive from the local government because of State money provided under this section.

(3) Loans from the Fund may only be awarded to assist with up to 75% of the total cost of the equipment or facilities being purchased.

(d) *Award of grants or loans.* — After a favorable recommendation from the Association, the Board of Public Works may award a grant, loan, or both from the Fund to a volunteer company if:

(1) for a grant award:

(i) an act of God or other unforeseen event substantially impairs the ability of the volunteer company to provide adequate and safe service; or

(ii) the volunteer company is unable to maintain the minimum level of performance for adequate and safe service established by standards of the Association because of a demonstrated lack of financial resources; and

(2) the Association and the volunteer company have executed an agreement that:

(i) provides that the grant or loan will be used as represented to the Board of Public Works in the request for approval; and

(ii) gives to the State security in the equipment or facilities purchased with the loan and in the proceeds of that equipment or those facilities as determined by the Board of Public Works to be appropriate and adequate.

(e) *Prohibitions on use of money.* — A grant or loan awarded under this section may not:

(1) be used to refinance a debt or other obligation of a volunteer company; or

(2) be spent to replace or repair eligible items to the extent that insurance proceeds are available for those purposes.

(f) *Local government money.* — The Board of Public Works may not approve a grant or loan from the Fund to a volunteer company if the volunteer company has not made a good faith effort to obtain money from its local government. (An. Code 1957, art. 38A, § 46A; 2003, ch. 5, § 2; 2004, ch. 430, § 1; 2005, ch. 136; 2006, ch. 622; 2010, ch. 479.)

Editor's note. — Section 2, ch. 622, Acts 2006, provides that “it is the intent of the General Assembly that the Governor shall in-

clude in the annual State budget an appropriation for the Volunteer Company Assistance Fund.”

§ 8-204. Volunteer Company Assistance Fund — Requests for money.

(a) *Submission to Association; contents.* — (1) A volunteer company shall submit each request for a grant or loan from the Fund to the Association for approval by a board of review in accordance with the Association's bylaws.

(2) Each request for a grant or loan shall include:

(i) financial statements for the 2 fiscal years immediately preceding the fiscal year in which the request is made;

(ii) any available audit of the financial statements; and

(iii) a detailed explanation of the reasons for the request.

(3) For each request for a grant or loan from the Fund, the volunteer company shall certify that the volunteer company applied for money from its local government and was denied, either wholly or partly.

(b) *Appeal to panel.* — (1) If the Association disapproves a request or does not take action within 90 days after the request for any reason other than because funds are not available, the volunteer company requesting a grant or loan may appeal to a panel composed of the president of the Association, the State Fire Marshal, and the chairman of the Fire and Rescue Education and Training Commission.

(2) The decision of the panel is final and is not subject to further review.

(c) *Approval of request.* — On approval of a request for a grant or loan, the Association or the panel shall transmit its recommendation to the Board of Public Works.

(d) *Disbursement of money.* — As authorized by the Board of Public Works, the Treasurer shall disburse money from the Fund to the Association in the name of a volunteer company for the purposes of this subtitle on warrant of the Comptroller.

(e) *Request by Baltimore City Fire Department.* — The Baltimore City Fire Department may submit a request for a grant or loan from the Fund for the purposes set forth in § 8-203(b) of this subtitle. (An. Code 1957, art. 38A, § 46B(b)-(f); 2003, ch. 5, § 2; 2004, ch. 430, § 1; 2005, ch. 136; 2006, chs. 416, 622.)

Editor's note. — Section 3, ch. 416, Acts 2006, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any violation committed before the effective date of this Act [October 1, 2006].”

Section 2, ch. 622, Acts 2006, provides that “it is the intent of the General Assembly that the Governor shall include in the annual State budget an appropriation for the Volunteer Company Assistance Fund.”

§ 8-205. Annual appropriation.

(a) *In general.* — After consultation with the Association, the Governor may include in the State budget each year an amount for the purposes set forth in subsection (b) of this section.

(b) *Use of money.* — The Association may use money appropriated under subsection (a) of this section to:

(1) formulate, publish, and distribute the fire laws of Maryland and other state and federal standards, laws, guidelines, and recommendations;

(2) formulate, publish, and distribute an annual report and monthly or other timely bulletins and reports;

(3) purchase, publish, and distribute fire prevention, emergency services, and safety education materials and sponsor seminars and other public forums to disseminate this information to Association members and residents of the State;

(4) maintain and distribute records that relate to the annual inspections of fire and rescue equipment and facilities;

(5) establish and maintain a database on manpower availability and training, operational cost, equipment availability, response time, State and local financial support, and other relevant factors in providing fire and rescue services;

(6) maintain membership through fees, subscriptions, and meeting attendance in organizations that disseminate training and education and provide guidance to volunteer emergency service organizations and their members and represent their interests on a State and national level;

(7) provide fuel, insurance, and maintenance to vehicles owned and operated by the Association and used in representing the volunteers and disseminating information throughout the State;

(8) provide professional services including accounting, auditing, and legal consultation and operational costs associated with the objectives established in this subsection; and

(9) promote, disseminate, and advocate programs and services that pertain to improving the safety, health, and wellbeing of fire and rescue personnel throughout the State. (An. Code 1957, art. 38A, § 46D; 2003, ch. 5, § 2; 2005, ch. 136; 2007, chs. 179, 180.)

§ 8-206. Annual reports by Association.

(a) *In general.* — On or before August 30 of each fiscal year, the Association shall submit to the Department, the Legislative Auditor, and to the Board of Public Works an annual report that includes:

(1) the number and total amount of grants and the number and total amount of loans made in the previous fiscal year;

(2) for each grant or loan made:

(i) the volunteer company that received the grant or loan;

(ii) the amount of the grant or loan; and

(iii) the specific purpose of making the grant or loan;

(3) for each volunteer company that received a grant or loan:

(i) the financial statement of the volunteer company for the previous fiscal year or the year in which the grant or loan was received, whichever is available; and

(ii) documentation of the volunteer company's actual expenditures from the grant or loan;

(4) for each loan made, the terms of the loan, including origination date, loan term, payment terms, payment amount, payments made to date, outstanding balance, and loan status; and

(5) summary listings of grants and loans made during the previous fiscal year and outstanding loans, by county.

(b) *Review by Department.* — The Department shall:

(1) review the documentation submitted in accordance with subsection (a) of this section on an annual basis to determine if each grant or loan was spent in accordance with this subtitle and the request approved by the Board of Public Works; and

(2) report the findings to the Senate Budget and Taxation Committee and the House Appropriations Committee on an annual basis.

(c) *Review by Legislative Auditor.* — The Legislative Auditor may:

(1) review the documentation submitted in accordance with subsection (a) of this section to determine if each grant or loan was spent in accordance with this subtitle and the requests approved by the Board of Public Works; and

(2) report the findings to the Department and, subject to § 2-1257 of the State Government Article, to the Joint Audit and Evaluation Committee of the General Assembly.

(d) *Audit by Comptroller.* — The Comptroller may audit the financial affairs of the Association to ensure compliance with this subtitle. (An. Code 1957, art. 38A, § 46H; 2003, ch. 5, § 2; 2004, ch. 430, § 1; 2005, ch. 136; 2006, chs. 44, 622; 2011, ch. 158; 2019, ch. 510, § 4; ch. 511, § 4.)

Editor's note. — Section 2, ch. 622, Acts 2006, provides that “it is the intent of the General Assembly that the Governor shall include in the annual State budget an appropriation for the Volunteer Company Assistance Fund.”

Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

Section 4, chs. 510 and 511, Acts 2019, effective July 1, 2019, provides that “the publisher

of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.” Pursuant to § 4, chs. 510 and 511, Acts 2019, “Joint Audit and Evaluation Committee” was substituted for “Joint Audit Committee” in (c)(2).

§ 8-207. Low Interest Revolving Loan Account — Loan requests.

Repealed by Acts 2004, ch. 430, § 19, effective June 1, 2004.

§§ 8-208, 8-209.

Redesignated.

Cross references. — See §§ 8-205 and 8-206 of this article.

TITLE 9.

FIRE PROTECTION AND PREVENTION.

*Subtitle 1. Smoke Detection Systems.***§ 9-101. Definitions.**

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Long-life battery.* — “Long-life battery” means a nonrechargeable, nonreplaceable primary battery that is capable of operating a smoke alarm for at least 10 years in the normal condition.

(c) *Sleeping area.* — “Sleeping area” means a space that includes one or more sleeping rooms and a hall or common area immediately adjacent to any sleeping room.

(d) *Sleeping room.* — “Sleeping room” means an enclosed room with a bed arranged to be used as a bedroom.

(e) *Smoke alarm.* — “Smoke alarm” means a single or multiple station device that detects visible or invisible products of combustion and includes a built-in internal alarm signal.

(f) *Smoke detector.* — “Smoke detector” means a system-connected smoke sensing device tied to a fire alarm control panel or a household fire warning panel. (2013, chs. 594, 595; 2018, ch. 484.)

Effect of amendments. — Chapter 484, Acts 2018, effective October 1, 2018, added (b) and redesignated accordingly.

Editor’s note. — Chapters 594 and 595, Acts 2013, effective July 1, 2013, repealed for-

mer §§ 9-101 to 9-106 and enacted new sections in lieu thereof.

§ 9-102. Smoke alarms required in sleeping areas.

(a) *Statewide applicability.* — This subtitle applies throughout the State, including Baltimore City.

(b) *In general.* — An automatic smoke alarm shall be provided in each sleeping area within each residential occupancy, including one- and two-family dwellings, lodging or rooming houses, hotels, dormitories, and apartment buildings, as defined in NFPA 101: Life Safety Code as adopted by the State Fire Prevention Commission.

(c) *Requirements.* — Smoke alarms shall:

(1) be installed in accordance with NFPA 72: National Fire Alarm Code as referenced by the State Fire Prevention Code;

(2) be listed and labeled by a nationally recognized testing laboratory to comply with Underwriters Laboratories (UL) 217, “Standard for safety for single and multiple station smoke alarms”;

(3) be suitable for sensing visible or invisible products of combustion; and

(4) sound an alarm suitable to warn the occupants.

(d) *Regulations.* — Local jurisdictions may adopt smoke alarm regulations that are more stringent than the provisions of this subtitle. (2013, chs. 594, 595.)

Editor's note. — Chapters 594 and 595, Acts 2013, effective July 1, 2013, repealed former §§ 9-101 to 9-106 and enacted new sections in lieu thereof.

When sleeping area must contain smoke detector. — When a sleeping area, as distinguished from a nonsleeping area, is added after July 1, 1975, to a residential building which was completed prior to July 1, 1975, the sleeping area addition must contain a smoke detector as provided in this section. 60 Op. Att'y Gen. 662 (1975).

When dwelling unit must contain smoke detector. — Each multi-family building of 10 units or more, or, a series of joined buildings not separated by a two-hour fire wall extending from the foundation to or through the roof or having any connected passageways containing in the aggregate 10 units or more, and which cannot conform with the exiting requirements of the Life Safety Code, must by July 1, 1978,

contain approved smoke detectors in each dwelling unit. 63 Op. Att'y Gen. 338 (1978).

Smoke detectors in single-family dwellings. — Where the construction and configuration of the interior of the premises qualified the premises as a single-family dwelling, there was no obligation to install smoke detectors regardless of advertising or usage to the contrary. *Salvatore v. Cunningham*, 305 Md. 421, 505 A.2d 102 (1986).

Under former subsection (b) (now (d)) of a prior version of this section, the intention of the parties is not a criterion for classification, but the construction and configuration of the interior of the premises are such criteria. *Salvatore v. Cunningham*, 305 Md. 421, 505 A.2d 102 (1986).

Dormitory housing. — Dormitory housing college students or itinerant workers may not be considered as a hotel but should be treated as a multi-family building within the purview of this section. 63 Op. Att'y Gen. 338 (1978).

§ 9-103. Smoke alarms required in sleeping areas — New construction.

(a) *Applicability to construction on or after July 1, 2013.* — This section applies only to new residential units constructed on or after July 1, 2013.

(b) *In general.* — At least one smoke alarm shall be installed in each sleeping room, in the hallway or common area outside of sleeping rooms, and in the hallway or common area on each level within a residential dwelling unit, including basements and excluding unoccupied attics, garages, and crawl spaces.

(c) *Requirements for two or more alarms.* — If two or more smoke alarms are required within a residential unit, the smoke alarms shall be arranged so that activation of any one smoke alarm causes alarm activation of all other required smoke alarms within the residential unit.

(d) *Power sources.* — Each smoke alarm required by this section shall operate on an alternating current (AC) primary source of electric power with a battery backup or an approved alternate secondary power source.

(e) *Requirements in one- and two-family dwellings.* — In one- and two-family dwellings, a smoke detector installed as a part of an approved household fire alarm system is an acceptable alternative to the AC powered-battery backup smoke alarm required by this section, if the smoke detector is installed and located as specified in subsection (b) of this section.

(f) *Installation as part of approved fire alarm system.* — A smoke detector installed as a part of an approved fire alarm system is an acceptable alternative to the AC powered-battery backup smoke alarm required by this section, if the smoke detector is installed and located as specified in subsection (b) of this section. (2013, chs. 594, 595.)

Editor's note. — Chapters 594 and 595, Acts 2013, effective July 1, 2013, repealed former §§ 9-101 to 9-106 and enacted new sections in lieu thereof.

§ 9-104. Specific requirements.

(a) *In general.* — (1) At least one smoke alarm shall be provided in each residential sleeping area.

(2) Smoke alarms required in one- and two-family dwellings constructed before July 1, 1975, shall be battery powered or alternating current (AC) primary electric powered units.

(3) Smoke alarms required in one- and two-family dwellings constructed between July 1, 1975, and June 30, 1990, shall be alternating current (AC) primary electric powered units.

(4) Smoke alarms required in multifamily residential occupancies including apartments, lodging or rooming houses, dormitories, and hotels shall be alternating current (AC) primary electric powered units.

(5) Smoke alarms required in a residential occupancy constructed on or after July 1, 1990, shall be alternating current (AC) primary electric powered units with battery backup or an approved alternate secondary power source.

(b) *Construction on or after January 1, 1989 — Installation in each level.* — At least one smoke alarm shall be installed in each level of a residential occupancy constructed on or after January 1, 1989, including basements and excluding unoccupied attics, garages, and crawl spaces.

(c) *Construction on or after January 1, 1989 — Two or more alarms.* — If two or more smoke alarms are required within a residential unit constructed on or after January 1, 1989, the smoke alarms shall be arranged so that activation of any one smoke alarm causes alarm activation of all other required smoke alarms within the residential unit.

(d) *Upgrades required.* — (1) Subject to paragraph (2) of this subsection, smoke alarm placement in a one- or two-family dwelling shall be upgraded to comply with paragraph (3) of this subsection in existing residential occupancies when any one of the following occurs:

(i) the existing smoke alarms exceed 10 years from the date of manufacture;

(ii) the existing smoke alarms fail to respond to operability tests or otherwise malfunction;

(iii) there is a change of tenant in a residential unit and the residential unit has not previously been equipped in accordance with this subtitle with sealed long-life battery smoke alarms with silence/hush button features within the 10 years preceding the change of tenant; or

(iv) a building permit is issued for an additional residential unit or alteration to a residential unit.

(2) Smoke alarm placement shall be upgraded to comply with paragraph (3) of this subsection in all existing residential occupancies on or before January 1, 2018.

(3) Upgraded smoke alarm placement shall include the following:

(i) a minimum of one smoke alarm on each level of the residential unit, including basements and excluding unoccupied attics, garages, and crawl spaces;

(ii) smoke alarms shall be alternating current (AC) primary powered units with battery backup, except as follows:

1. smoke alarms in one- and two-family dwellings constructed before July 1, 1975, may be battery operated; and

2. smoke alarms required in new locations by this section, if smoke alarms did not previously exist, may be battery operated; and

(iii) if battery operated smoke alarms are permitted, only sealed, tamper resistant units incorporating a silence/hush button and using long-life batteries may be used.

(e) *Smoke detectors installed as part of approved household fire alarm system — One- and two-family dwellings.* — In one- and two-family dwellings, a smoke detector installed as a part of an approved household fire alarm system is an acceptable alternative to the AC powered-battery backup smoke alarms required by this section, if the smoke detectors are installed and located as specified in subsection (a) of this section.

(f) *Smoke detectors installed as part of approved household fire alarm system — In general.* — A smoke detector installed as a part of an approved fire alarm system is an acceptable alternative to the AC powered-battery backup smoke alarms required by this section, if the smoke detectors are installed and located as specified in subsection (a) of this section. (2013, chs. 594, 595; 2018, ch. 484.)

Effect of amendments. — Chapter 484, Acts 2018, effective October 1, 2018, reenacted (d) without change. mer §§ 9-101 to 9-106 and enacted new sections in lieu thereof.

Editor's note. — Chapters 594 and 595, Acts 2013, effective July 1, 2013, repealed for-

§ 9-105. Sleeping rooms occupied by deaf or hard of hearing individuals.

(a) *In general.* — Each sleeping room occupied by a deaf or hard of hearing individual shall be provided with a smoke alarm suitable to alert the deaf or hard of hearing individual.

(b) *Written request; appliance with capability to activate signal.* — (1) On written request on behalf of a tenant who is deaf or hard of hearing, a sleeping room occupied by a deaf or hard of hearing individual shall be provided with an approved notification appliance designed to alert deaf or hard of hearing individuals.

(2) The landlord shall provide a notification appliance that, when activated, provides a signal that is sufficient to warn the deaf or hard of hearing tenant in those sleeping rooms.

(c) *Hotels and motels — Requirements.* — Hotels and motels shall have available at least one approved notification appliance for the deaf or hard of hearing individual for each 50 units or fraction of 50 units.

(d) *Hotels and motels — Permanent sign.* — Hotels and motels shall post in a conspicuous place at the registration desk a permanent sign that states the availability of smoke alarm notification appliances for the deaf or hard of hearing individual.

(e) *Hotels and motels — Refundable deposit for notification appliances.* — (1) Hotels and motels may require a refundable deposit for notification appliances for the deaf or hard of hearing individual.

(2) The amount of the deposit may not exceed the value of the notification appliance.

(f) *Reimbursement to landlords.* — A landlord may require reimbursement from a tenant for the cost of a smoke alarm required under this section. (2013, chs. 594, 595.)

Editor's note. — Chapters 594 and 595, Acts 2013, effective July 1, 2013, repealed former §§ 9-101 to 9-106 and enacted new sections in lieu thereof.

§ 9-106. Enforcement; responsibilities.

(a) *Enforcement.* — Smoke alarm requirements shall be enforced by the State Fire Marshal, a county or municipal fire marshal, a fire chief, the Baltimore City Fire Department, or any other designated authority having jurisdiction.

(b) *Responsibility of building permit applicant.* — (1) The building permit applicant is responsible for the proper installation of required smoke alarms in residential occupancies constructed on or after July 1, 2013.

(2) If a building permit is not required, the general contractor shall bear the responsibility described in paragraph (1) of this subsection.

(c) *Responsibility of landlord or property owner.* — The landlord or property owner is responsible for the installation, repair, maintenance, and replacement of smoke alarms required by this subtitle.

(d) *Removal or tampering with smoke alarms prohibited.* — Occupants of a residential occupancy may not remove or tamper with a required smoke alarm or otherwise render the smoke alarm inoperative.

(e) *Occupant responsible for testing; notification of failure or malfunction.* — (1) Testing of smoke alarms is the responsibility of the occupant of the residential unit.

(2) (i) A tenant shall notify the landlord in writing of the failure or malfunction of a required smoke alarm.

(ii) The written notification required under subparagraph (i) of this paragraph shall be delivered by certified mail, return receipt requested to the landlord, or by hand delivery to the landlord or the landlord's agent, at the address used for the payment of rent.

(iii) If the delivery of the notification is made by hand as described in subparagraph (ii) of this paragraph, the landlord or the landlord's agent shall provide to the tenant a written receipt for the delivery.

(iv) The landlord shall provide written acknowledgment of the notification and shall repair or replace the smoke alarm within 5 calendar days after the notification.

(f) *Use of battery operated smoke alarms.* — (1) If a residential unit does not contain alternating current (AC) primary electric power, battery operated smoke alarms or smoke alarm operation on an approved alternate source of power may be permitted.

(2) Battery operated smoke alarms shall be sealed, tamper resistant units incorporating a silence/hush button and using long-life batteries.

(g) *Smoke alarm combined with carbon monoxide alarm.* — A smoke alarm may be combined with a carbon monoxide alarm if the device complies with:

(1) this subtitle;

(2) Title 12 of this article; and

(3) Underwriters Laboratories (UL) Standards 217 and 2034. (2013, chs. 594, 595; 2018, ch. 484.)

Effect of amendments. — Chapter 484, Acts 2018, effective October 1, 2018, reenacted (f) without change. mer §§ 9-101 to 9-106 and enacted new sections in lieu thereof.

Editor's note. — Chapters 594 and 595, Acts 2013, effective July 1, 2013, repealed for-

§ 9-106.1. Sale of battery operated smoke alarm.

(a) *Applicability of section.* — This section does not apply to:

(1) a fire alarm, a smoke detector, a smoke alarm, or an ancillary component that is:

(i) electronically connected as a part of a listed centrally monitored or supervised alarm system; or

(ii) capable of sending and receiving notifications by:

1. a low-power radio frequency wireless communication signal; or

2. a wireless local area networking capability; or

(2) any other device that the State Fire Marshal designates as exempt through the regulatory process.

(b) *In general.* — On or after October 1, 2018, a person may not sell a battery operated smoke alarm in the State for compliance with this subtitle unless the smoke alarm is a sealed, tamper resistant unit incorporating a silence/hush button and using one or more long-life batteries. (2018, ch. 484.)

Editor's note. — Section 2, ch. 484, Acts 2018, provides that the act shall take effect October 1, 2018.

§ 9-107. Property insurance claims.

Failure to comply with this subtitle may not be used as a policy defense in the settlement of a property insurance claim. (An. Code 1957, art. 38A, § 12A(d); 2003, ch. 5, § 2; 2013, chs. 594, 595.)

§ 9-108. Smoke alarm installation order.

(a) *In general.* — If the State Fire Marshal or other designated authority with jurisdiction finds the absence of operating, required smoke detectors, the State Fire Marshal or other authority shall issue a smoke alarm installation order to the responsible landlord, owner, or occupant.

(b) *Compliance with order.* — The responsible person shall comply with a smoke alarm installation order within 5 calendar days. (An. Code 1957, art. 38A, § 12A(c); 2003, ch. 5, § 2; 2013, chs. 594, 595.)

§ 9-109. Violation of subtitle.

(a) *Prohibited.* — A person may not knowingly violate this subtitle.

(b) *Penalty.* — (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both.

(2) A person who violates § 9-106.1 of this subtitle is subject to a fine not exceeding \$1,000. (An. Code 1957, art. 38A, § 13(a); 2003, ch. 5, § 2; 2013, chs. 594, 595; 2018, ch. 484.)

Effect of amendments. — Chapter 484, Acts 2018, effective October 1, 2018, added the (b)(1) designation and added (b)(2); and in (b)(1) added the exception at the beginning.

Subtitle 2. Sprinkler Systems.

§ 9-201. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Dormitory.* — (1) “Dormitory” means a building or space in a building that:

- (i) is under joint occupancy and single management; and
- (ii) provides group sleeping accommodations:
 - 1. with or without meals, but without individual cooking facilities;
 - 2. for more than 16 individuals who are not members of the same family group; and
 - 3. in one room or in a series of closely associated rooms.

(2) “Dormitory” includes a school dormitory, fraternity house, and military barracks.

(c) *Dwelling unit.* — “Dwelling unit” means a single unit that:

- (1) provides complete, independent living facilities for one or more individuals; and
- (2) contains permanent provisions for living, sleeping, eating, cooking, and sanitation.

(d) *Hotel.* — (1) “Hotel” means a building or group of buildings that:

- (i) is under the same management;
- (ii) contains more than 16 sleeping accommodations for hire; and

(iii) is used primarily by transients who are lodged with or without meals.

(2) “Hotel” includes an inn, motel, club, and apartment hotel.

(e) *Lodging or rooming house*. — (1) “Lodging or rooming house” means a building:

(i) in which separate sleeping rooms are rented; and

(ii) that provides sleeping accommodations:

1. for 16 or fewer individuals;

2. on either a transient or permanent basis; and

3. with or without meals, but without individual cooking facilities.

(2) “Lodging or rooming house” includes an inn, club, and bed and breakfast establishment.

(f) *Multifamily residential dwelling*. — (1) “Multifamily residential dwelling” means a building or part of a building that:

(i) contains more than two dwelling units; and

(ii) is not classified as a one or two family dwelling.

(2) “Multifamily residential dwelling” does not include a town house.

(g) *Public water system*. — (1) “Public water system” means a system that:

(i) provides the public with piped water for human consumption; and

(ii) has at least 15 service connections or regularly serves at least 25

individuals.

(2) “Public water system” includes:

(i) a collection, treatment, storage, or distribution facility that is under the control of the operator of the system and is used primarily in connection with the system; and

(ii) a collection or pretreatment storage facility that is not under the control of the operator of the system and is used primarily in connection with the system.

(h) *Sprinkler system*. — “Sprinkler system” means a device that:

(1) opens automatically by operation of a heat responsive releasing mechanism;

(2) discharges water in a specific pattern over a designated area to extinguish or control fire; and

(3) uses the same service water supply pipe to the dwelling unit that the public water system uses.

(i) *Town house*. — “Town house” means a single family dwelling unit that is constructed in a horizontal series of attached units with property lines separating the units. (An. Code 1957, art. 38A, § 12B(a)(1)-(7), (8)(i)-(iii), (9); 2003, ch. 5, § 2; 2015, ch. 151.)

§ 9-202. Effect of subtitle.

(a) *Adoption of more stringent standards*. — Except as provided in subsection (b) of this section, this subtitle does not preclude a local jurisdiction from adopting more stringent standards to govern the installation of sprinkler systems in new construction.

(b) *Exception*. — Industrialized buildings under the authority of the Department of Housing and Community Development in accordance with Title 12,

Subtitle 3 of this article shall comply with the standard for the installation of sprinkler systems in residential occupancies as adopted in the regulations of the State Fire Prevention Commission. (An. Code 1957, art. 38A, § 12B(d); 2003, ch. 5, § 2.)

§ 9-203. Enforcement of subtitle.

The State Fire Marshal or a local or State authority with jurisdiction over the enforcement of fire and building codes may enforce this subtitle. (An. Code 1957, art. 38A, § 12B(e); 2003, ch. 5, § 2.)

§ 9-204. Installation of sprinkler systems required.

(a) *Standards for sprinkler systems.* — Each sprinkler system required under this section shall:

(1) be installed in accordance with accepted engineering practices that meet the standard for the installation of sprinkler systems in residential occupancies under the regulations of the State Fire Prevention Commission or the local authority with jurisdiction over the enforcement of fire and building codes;

(2) meet the requirements of the current National Fire Protection Association standards; and

(3) be approved by the State Fire Marshal or the local authority with jurisdiction over the enforcement of fire codes.

(b) *Buildings in which sprinkler systems required.* — (1) In a jurisdiction in which building permits are issued, a sprinkler system shall be installed in:

(i) each newly constructed dormitory, hotel, lodging or rooming house, or multifamily residential dwelling for which the initial building permit is issued on or after July 1, 1990; and

(ii) each newly constructed town house for which the initial building permit is issued on or after July 1, 1992.

(2) In a jurisdiction in which building permits are not issued, a sprinkler system shall be installed in:

(i) each dormitory, hotel, lodging or rooming house, or multifamily residential dwelling on which construction begins on or after July 1, 1990; and

(ii) each town house on which construction begins on or after July 1, 1992.

(c) *Exception.* — If a dwelling unit is not serviced by a public water system, subsections (a) and (b) of this section do not apply. (An. Code 1957, art. 38A, § 12B(a)(8)(iv), (v), (b); 2003, ch. 5, § 2.)

§ 9-205. Authority to grant exceptions.

(a) *In general.* — Except as provided in subsection (b) of this section, if there is clear evidence that an exception will not adversely affect the fire safety of a building or its occupants, the State Fire Marshal or a local authority with jurisdiction over the enforcement of fire and building codes may grant an exception to:

(1) a requirement of a State or local fire and building code if a sprinkler system is installed in a building as required by this subtitle; or

(2) the sprinkler system requirement of this subtitle if, on or before June 30, 1990:

(i) the local authority gave approval to a construction plan for a dormitory, hotel, lodging or rooming house, multifamily residential unit, or town house; and

(ii) the approved plan did not include the installation of a sprinkler system as required by this subtitle.

(b) *Smoke detectors.* — The State Fire Marshal or a local authority may not grant an exception under this section to a smoke detector requirement. (An. Code 1957, art. 38A, § 12B(c); 2003, ch. 5, § 2.)

§ 9-206. Violation of subtitle.

(a) *Prohibited.* — A person may not knowingly violate this subtitle.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both. (An. Code 1957, art. 38A, § 13(a); 2003, ch. 5, § 2.)

Subtitle 3. Fast Response Residential Fire Sprinkler Systems.

§ 9-301. Scope of subtitle.

(a) *Effect on fire safety laws.* — This subtitle:

(1) is in addition to any existing fire safety laws; and

(2) does not limit the authority of the State Fire Prevention Commission or State Fire Marshal to act under existing fire safety laws.

(b) *Exceptions to subtitle.* — If there is clear evidence that equivalent protection of human life will be provided as required by this subtitle, exceptions to this subtitle may be made by:

(1) the State Fire Prevention Commission;

(2) the State Fire Marshal;

(3) a county fire chief;

(4) a fire administrator with responsibility for code enforcement; and

(5) in Baltimore City, the Board of Fire Commissioners or the Chief of the Fire Department.

(c) *Enactment of more stringent laws.* — This subtitle does not prevent a county or municipal corporation from enacting more stringent laws to govern the installation of fire sprinkler systems. (An. Code 1957, art. 38A, § 47(d), (e), (i); 2003, ch. 5, § 2.)

§ 9-302. Enforcement of subtitle.

A county fire chief, fire administrator, or municipal fire chief may enforce this subtitle. (An. Code 1957, art. 38A, § 47(f); 2003, ch. 5, § 2.)

§ 9-303. Installation of system required.

(a) *In general.* — Except as provided in subsection (b) of this section, each hotel or motel with 10 or more units for which a contract for construction is

executed after July 1, 1989, shall have installed a fast response residential fire sprinkler system that is intended:

- (1) to detect and control a fire automatically;
- (2) to provide improved protection against injury, loss of life, and property damage;
- (3) to maintain survivable conditions in the room of fire origin; and
- (4) to improve the chance for occupants to escape or be evacuated.

(b) *Exception.* — A hotel or motel need not install a fast response residential fire sprinkler system if:

- (1) the hotel or motel is a one or two story building; and
- (2) all occupants are able to exit directly to the exterior of the building and not only to a central corridor through an approved exit door, as those terms are used in the most recent edition of the National Fire Protection Association Life Safety Code adopted by the State Fire Prevention Commission. (An. Code 1957, art. 38A, § 47(a), (b); 2003, ch. 5, § 2.)

§ 9-304. Requirements for systems.

Each fast response residential fire sprinkler system installed shall:

- (1) be designed and constructed in accordance with accepted engineering practices; and
- (2) comply with standards and regulations developed and adopted by:
 - (i) the State Fire Prevention Commission;
 - (ii) a county fire chief;
 - (iii) a fire administrator with responsibility for code enforcement; or
 - (iv) in Baltimore City, the Chief of the Fire Department. (An. Code 1957, art. 38A, § 47(c); 2003, ch. 5, § 2.)

§ 9-305. Cost of installation considered.

When evaluating and approving a builder's overall site development and construction plans, the cost of the builder's installation of fast response residential fire sprinkler systems shall be considered by:

- (1) local building officials;
- (2) local fire chiefs;
- (3) the State Fire Prevention Commission;
- (4) the State Fire Marshal;
- (5) fire administrators with responsibility for code enforcement; and
- (6) in Baltimore City, the Chief of the Fire Department. (An. Code 1957, art. 38A, § 47(h); 2003, ch. 5, § 2.)

§ 9-306. Penalty for violation of subtitle.

A person who violates this subtitle is subject to the penalty provided in § 6-601 of this article. (An. Code 1957, art. 38A, § 47(g); 2003, ch. 5, § 2.)

*Subtitle 4. High-Rise Building Safety in Case of Fire.***§ 9-401. Definitions.**

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *High-rise building.* — (1) “High-rise building” means a building for human occupancy that is:

- (i) four or more stories above grade level; or
- (ii) over 45 feet in height.

(2) “High-rise building” does not include:

- (i) a structure or building used exclusively for open air parking; or
- (ii) a building used exclusively for agricultural purposes.

(c) *Local fire department.* — “Local fire department” means a career or volunteer fire department.

(d) *Mobility impaired.* — “Mobility impaired” means unable to carry objects or to move or travel without the use of an assistive device or service animal.

(e) *Public way.* — “Public way” means a paved thoroughfare over 21 feet in width that:

(1) is located on privately owned and privately maintained property but is designated for public use; or

(2) is publicly owned and publicly maintained. (An. Code 1957, art. 38A, § 49; 2003, ch. 5, § 2; 2011, ch. 596.)

§ 9-402. Purpose of subtitle; legislative findings.

(a) *Purpose of subtitle.* — The purpose of this subtitle is to provide for the physical safety and protection of property of occupants of high-rise buildings in case of fire.

(b) *Legislative findings.* — (1) Without adequate protection, residents of high-rise buildings are dependent on descending multiple flights of steps or jumping from windows when a fire occurs.

(2) For many elderly residents of high-rise buildings, this is physically impossible.

(3) Most fire fighting and rescue operations are also conducted inside the high-rise building, where there are greater obstacles to rescuing occupants and controlling and extinguishing the fire.

(4) Many tragedies could be avoided by installation of automatic fire extinguishing equipment in these situations, usually at no great additional cost to builders. (An. Code 1957, art. 38A, § 48; 2003, ch. 5, § 2.)

§ 9-403. Automatic sprinkler system required.

(a) *In general.* — Each high-rise building constructed after July 1, 1974, shall be protected by a complete automatic sprinkler system installed in accordance with accepted engineering practices as approved by the authority with jurisdiction.

(b) *Exception.* — (1) This section does not apply to a building that is less than 75 feet in height above grade level if:

(i) the local fire department has at least one approved first line piece of aerial equipment that is capable of reaching the roof of the building; and

(ii) accessibility to the building is provided on two sides of the perimeter of the building by a public way that is:

1. kept accessible at all times to the local fire department; and
2. close enough to the building to allow the fire department aerial equipment to reach 75 feet in height.

(2) For purposes of this subsection, height above grade level shall be determined by using the lowest elevation of the public way as a reference datum. (An. Code 1957, art. 38A, §§ 49(1)(i)-(iii), (2), 50(a); 2003, ch. 5, § 2.)

§ 9-404. Appeal of orders for compliance.

(a) *Appeal to State Fire Prevention Commission.* — An order for compliance with the requirements of § 9-403 of this subtitle that is issued in accordance with the authority granted under Title 6, Subtitle 3 of this article may be appealed to the State Fire Prevention Commission.

(b) *Appeal to local authority.* — An order for compliance with the requirements of § 9-403 of this subtitle that is issued in accordance with the authority granted by a local law, ordinance, or regulation may be appealed as provided by law, ordinance, or regulation of the local jurisdiction. (An. Code 1957, art. 38A, § 50(b), (c); 2003, ch. 5, § 2.)

§ 9-405. Annual notice for mobility impaired residents.

For fire safety purposes, the owner of a residential high-rise building with rental units shall provide reasonable written notice annually to all residents of the residential high-rise building to inform residents who are mobility impaired of their right to request a rental unit on the first five floors of the high-rise building if one should become available. (2011, ch. 596.)

Subtitle 5. Evacuation Procedures in Case of Fire.

§ 9-501. Scope of subtitle.

(a) *In general.* — This subtitle does not apply to Washington County.

(b) *Effect on fire safety laws.* — This subtitle:

- (1) is in addition to any existing fire safety laws; and
- (2) does not limit the authority of the State Fire Prevention Commission or State Fire Marshal to act under existing fire safety laws. (An. Code 1957, art. 38A, §§ 54(b), 55(c); 2003, ch. 5, § 2.)

§ 9-502. Posting of fire safety information in hotels, motels, and lodging houses.

Each hotel, motel, and lodging house shall post in a prominent place in each guest room a notice that states:

- (1) the location of the nearest exits and fire pull stations;

(2) the procedures to be followed if the fire or smoke detector gives warning signals; and

(3) the procedures to be followed if fire or smoke develops. (An. Code 1957, art. 38A, § 53A(a); 2003, ch. 5, § 2.)

§ 9-503. Automatic fire extinguishing systems in specified buildings.

(a) *Required.* — Each building constructed after July 1, 1977, that is intended to house 50 or more occupants who, because of age, blindness, disability, or physical or mental illness, are unable to evacuate the building without assistance in case of fire, shall be protected throughout the entire building by a system that is:

(1) designed to detect and extinguish a fire automatically while sounding an alarm; and

(2) installed in accordance with accepted engineering practices approved by the authority with jurisdiction.

(b) *Appeal of orders for compliance.* — (1) An order for compliance with the requirements of this section that is issued in accordance with the authority granted under Title 6, Subtitle 3 of this article may be appealed to the State Fire Prevention Commission.

(2) An order for compliance with the requirements of this section that is issued in accordance with the authority granted by a local law, ordinance, or regulation may be appealed as provided by law, ordinance, or regulation of the local jurisdiction. (An. Code 1957, art. 38A, §§ 53(b), (c), 54(a), (c); 2003, ch. 5, § 2.)

Section applies to federally funded housing. — No constitutional barrier exists to application of section to housing funded under federal program which sought to provide assistance to provide housing and related facilities for elderly or handicapped families. 63 Op. Att’y Gen. 350 (1978).

Per se rule not permitted. — Former (a) of a prior version of this section did not permit the Fire Marshal to apply a per se rule that all aged persons are presumptively in need of evacuation assistance. 63 Op. Att’y Gen. 350 (1978).

§ 9-504. Symbols to identify dwellings of occupants needing evacuation assistance.

Repealed by Acts 2005, ch. 256 § 1, effective October 1, 2005.

§ 9-505. Alternative requirements for acute care hospitals.

Alternative and equivalent fire and safety requirements are allowed in acute care hospitals in accordance with current nationally recognized codes and standards adopted by the appropriate authority with jurisdiction. (An. Code 1957, art. 38A, § 55(b); 2003, ch. 5, § 2.)

§ 9-506. Penalties for violation of subtitle or regulation.

(a) *In general.* — A person who violates this subtitle is subject to the penalties provided in § 6-601 of this article.

(b) *Hotels, motels, and lodging houses.* — A hotel, motel, or lodging house that violates a regulation adopted by the State Fire Prevention Commission is subject to the penalties provided in § 6-601 of this article. (An. Code 1957, art. 38A, §§ 53A(b), 55(a); 2003, ch. 5, § 2.)

Subtitle 6. Disclosure of Fire Loss Investigation Reports.

§ 9-601. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Fire investigator.* — (1) “Fire investigator” means an official of the State, a county, or a municipal corporation who is legally designated to have legal responsibility for investigating fires and suppressing arson.

(2) “Fire investigator” includes a fire marshal.

(c) *Insurer.* — “Insurer” means a person licensed or established by the State to insure property of any kind. (An. Code 1957, art. 38A, § 56; 2003, ch. 5, § 2.)

§ 9-602. Disclosure of information by insurer — In general.

On request of a fire investigator, an insurer investigating a fire loss of real or personal property shall cooperate with and release to the fire investigator any information it has about the fire loss, including:

(1) each insurance policy and application for the policy relevant to the fire loss;

(2) policy premium payment records;

(3) previous claims made by the insured for fire loss; and

(4) material that relates to the investigation of the fire loss, proof of loss, and any other relevant evidence. (An. Code 1957, art. 38A, § 57(a); 2003, ch. 5, § 2.)

§ 9-603. Disclosure of information by insurer — Fire loss caused by incendiary means.

If an insurer has reason to suspect that a fire loss to real or personal property of the insured was caused by incendiary means, the insurer shall:

(1) notify the fire investigator;

(2) provide the fire investigator with all relevant material acquired during the insurer’s investigation of the fire loss;

(3) cooperate with and take any action requested by the fire investigator; and

(4) allow a person, on court order, to inspect any of the insurer’s records that relate to the policy and the fire loss. (An. Code 1957, art. 38A, § 57(c); 2003, ch. 5, § 2.)

§ 9-604. Confidentiality of information.

A fire investigator who receives information under this subtitle shall keep the information confidential until the release of the information is required in accordance with a civil or criminal proceeding. (An. Code 1957, art. 38A, § 57(b); 2003, ch. 5, § 2.)

§ 9-605. Immunity from criminal prosecution and civil liability.

(a) *Criminal prosecution.* — In the absence of fraud, an insurer or person who provides information on its behalf is not subject to criminal prosecution for an oral or written statement made or other action taken that is necessary to provide information required under this subtitle.

(b) *Civil liability.* — An insurer or person who provides information on its behalf has the immunity from liability described in § 5-409 of the Courts Article. (An. Code 1957, art. 38A, § 57(d); 2003, ch. 5, § 2.)

§ 9-606. Prohibited acts; penalty.

(a) *Prohibited acts.* — A person may not purposely:

(1) refuse to release information that a fire investigator requests under § 9-602 of this subtitle;

(2) refuse to report a fire loss to a fire investigator under §§ 9-602 and 9-603 of this subtitle;

(3) refuse to provide a fire investigator with relevant information required to be provided under §§ 9-602 and 9-603 of this subtitle; or

(4) fail to keep information confidential as required under § 9-604 of this subtitle.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both. (An. Code 1957, art. 38A, § 57(e), (f); 2003, ch. 5, § 2.)

Subtitle 7. Fire Prevention Codes of Counties and Municipal Corporations.

§ 9-701. Authority of counties and municipal corporations to adopt fire prevention codes.

(a) *In general.* — Subject to subsection (e) of this section, the local governing body of each county and the legislative body of each municipal corporation in the State may adopt by ordinance or resolution a fire prevention code to:

(1) provide for protection against fires and the removal of fire hazards;

(2) provide for the appointment of inspectors to enforce the fire prevention code; and

(3) establish penalties for violation of the fire prevention code or an ordinance, resolution, or regulation for the prevention of fires or removal of fire hazards.

(b) *Incorporation by reference of standard or model codes.* — (1) Subject to paragraph (2) of this subsection, a fire prevention code of a county or municipal corporation adopted under this section may incorporate by reference a code or part of a code prepared by a governmental unit or a trade or professional association for general distribution in printed form as a standard or model on any subject that relates to fire prevention, fire hazards, or flammable or dangerous substances.

(2) An amendment to a standard or model code described in paragraph (1) of this subsection is not effective until specifically incorporated into the fire prevention code of the county or municipal corporation.

(c) *Publication; public hearing.* — (1) Except as provided in subsection (e) of this section, the local governing body of a county or legislative body of a municipal corporation may not adopt a fire prevention code under this section until a summary of the proposal is published for at least 3 weeks in one or more newspapers of general circulation in the county or municipal corporation.

(2) The summary shall specify the date for a public hearing on the proposal and shall state that copies of the proposal may be obtained on application to:

(i) for a county fire prevention code, the administrative officer of the county; or

(ii) for a municipal fire prevention code, the clerk of the municipal corporation.

(d) *Application of county codes within municipal corporations.* — Except as provided in subsection (e) of this section, a fire prevention code adopted by a county under this section does not apply within a municipal corporation that has adopted a fire prevention code after the effective date of the adoption of the fire prevention code by the municipal corporation.

(e) *Frederick County.* — (1) This subsection applies only to Frederick County.

(2) The summary of the fire prevention code required to be published under subsection (c) of this section shall be published in one or more newspapers of general circulation in the county at least 2 weeks before the adoption of the fire prevention code by the county.

(3) A copy of the fire prevention code proposed for adoption under this section may be obtained on application to the administrative officer of the county. (An. Code 1957, art. 23A, § 6(a); art. 25, § 11; 2003, ch. 5, § 2.)

Applied in *Chillum-Adelphi Volunteer Fire Dep't, Inc. v. Board of County Comm'rs*, 247 Md. 373, 231 A.2d 60 (1967).

§ 9-702. Inspections and plan review.

(a) *“Plan review” defined.* — In this section, “plan review” has the meaning stated in § 6-308 of this article.

(b) *Scope of section.* — (1) This section applies only to:

(i) a county that has adopted a comprehensive nationally recognized fire prevention code as the fire prevention code of the county; or

(ii) a municipal corporation that has adopted a comprehensive nationally recognized fire prevention code as the fire prevention code of the municipal corporation.

(2) This section does not apply to an inspection or plan review that is not within the jurisdiction of or is not conducted by:

- (i) the county fire prevention bureau or office of county fire marshal; or
- (ii) the municipal fire prevention bureau or office of municipal fire marshal.

(c) *Fees and fee schedules.* — (1) To ensure compliance with the fire prevention code of the county or municipal corporation, the local governing body of the county or legislative body of the municipal corporation may adopt ordinances or regulations to establish and administer a fee schedule for conducting inspections and plan reviews.

(2) (i) The county fire prevention bureau shall:

- 1. collect the fees established by the local governing body of the county for conducting inspections;
- 2. keep records of all fees collected under this section; and
- 3. pay all money collected under this section into the general fund of the county.

(ii) The municipal fire prevention bureau shall:

- 1. collect the fees established by the legislative body of the municipal corporation for conducting inspections;
- 2. keep records of all fees collected under this section; and
- 3. pay all money collected under this section into the general fund of the municipal corporation.

(3) To ensure that the money collected at least cover the costs of conducting inspections and plan reviews, the fee schedule adopted under this section shall be reviewed annually by:

- (i) for a county, the local governing body of the county and the chief fiscal officer of the county; and
- (ii) for a municipal corporation, the legislative body of the municipal corporation and the chief fiscal officer of the municipal corporation.

(d) *Plan review.* — (1) Plans shall be submitted to the county fire prevention bureau and to the municipal fire prevention bureau for plan review and approval before actual construction of:

- (i) a new building or addition;
- (ii) a building undergoing a change of occupancy that requires substantial modification; or
- (iii) a part of a building that has sustained damage from fire, explosion, or other cause.

(2) Plans for a building undergoing alterations, renovations, or remodeling that do not require submission under paragraph (1) of this subsection shall be submitted for review of maintenance of proper egress and fire protection features.

(3) (i) The county fire prevention bureau shall conduct a plan review to ensure compliance with the fire prevention code of the county.

(ii) The municipal fire prevention bureau shall conduct a plan review to ensure compliance with the fire prevention code of the municipal corporation.

(4) The fee for each plan review shall be submitted with the plans. (An. Code 1957, art. 23A, § 6(b)(1)(i), (iii), (iv), (b)(2)-(8); art. 24, §§ 5-101(a), (d), (e), 5-102—5-107; 2003, ch. 5, § 2; 2018, ch. 12, § 6.)

Editor's note. — Pursuant to § 6, ch. 12, Acts 2018, “money” was substituted for “monneys” in (c)(2)(i)3, (c)(2)(ii)3, and the introductory language of (c)(3).

Subtitle 8. Fire Inspections by Fire Departments of Counties and Municipal Corporations.

§ 9-801. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Combustible material.* — “Combustible material” includes waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish, or other material that is or may become dangerous as a fire menace.

(c) *Fire official.* — “Fire official” means:

(1) a member of a board of fire commissioners of a municipal corporation of the State;

(2) a chief or assistant to the chief of a fire department of a municipal corporation of the State;

(3) an officer or member of a fire department of a municipal corporation of the State acting under the direction of the board of fire commissioners or fire chief; or

(4) a chief, chief engineer, captain, or lieutenant of a volunteer fire company, fire district, or any other organization created for the purpose of and engaged in the work of extinguishing fires in an unincorporated town, municipal corporation, or county of the State. (An. Code 1957, art. 48, § 181(a); 2003, ch. 5, § 2.)

Cross references. — For present provisions concerning abatement of fire hazards by railroads, see § 5-707 of the Natural Resources Article.

For present provisions concerning false fire alarms, see § 9-604 of the Criminal Law Article.

University of Baltimore Law Review. — For comment, “Maryland’s Warrantless Inspection Laws: A Warrantless Expectation of Constitutionality,” see 8 U. Balt. L. Rev. 88 (1978).

No implied preemption in smoking context. — While the General Assembly has passed legislation addressing the health effects of smoking on Maryland citizens, it has not regulated smoking in so all-encompassing a fashion as to suggest that it meant to reserve to itself for direct legislative action all regulation of smoking; thus, implied preemption has not occurred. *Fogle v. H & G Restaurant, Inc.*, 337 Md. 441, 654 A.2d 449 (1995).

§ 9-802. Scope of subtitle.

This subtitle does not apply to Baltimore County. (2003, ch. 5, § 2.)

§ 9-803. Fire inspections authorized.

(a) *In general.* — (1) A fire official may inspect a building, structure, or other place under the jurisdiction of the fire official, except the interior of a

private dwelling, where combustible material has been allowed to accumulate or where the fire official has reason to believe that combustible material has accumulated or may be accumulated.

(2) At any time and without liability for trespass, a fire official:

(i) may enter, at the fire official's own risk, a building, including a private dwelling, or on premises where a fire is burning, or where there is reasonable cause to believe a fire is burning, to extinguish the fire;

(ii) may enter, at the fire official's own risk, a building, including a private dwelling, or on premises near the scene of a fire to protect the building or premises or to extinguish the fire;

(iii) when responding to or operating at a fire or other emergency:

1. may order an individual to leave a building or place in the vicinity of the fire or other emergency to protect the individual from injury;

2. may order, after consultation with the senior railroad or transportation official present, a convoy, caravan, or train of vehicles, craft, or railway cars to be detached or uncoupled if the fire official determines that to do so is in the interest of safety of individuals or property; and

3. may enter a building that is in danger of the spread of fire to prevent a potential emergency, including an explosion, in the building; and

(iv) to maintain order in the vicinity of a fire or other emergency:

1. may direct the actions of firefighters at the fire or other emergency;

2. may keep bystanders or other individuals at a safe distance from the fire or other emergency and from fire equipment;

3. may facilitate the speedy movement and operation of fire-fighting equipment and firefighters; and

4. until the arrival of sufficient police officers, may direct traffic personally or have a subordinate do so to facilitate the movement of traffic.

(b) *Obstructing rescue squads prohibited.* — Notwithstanding subsection (a) of this section, a fire official may not inhibit or obstruct members of rescue squads from performing their duties in the vicinity of a fire or other emergency. (An. Code 1957, art. 48, § 181(a); 2003, ch. 5, § 2.)

§ 9-804. Notice to occupant to remove combustible material.

(a) *In general.* — A fire official shall give written notice to the occupant of premises where combustible material has accumulated to remove the combustible material from the premises within 48 hours after receipt of the notice, if after an inspection made under this subtitle, the fire official determines that the accumulation of combustible material increases the danger of fire to:

(1) the premises where the combustible material has accumulated; or

(2) adjacent property.

(b) *Removal by fire official at occupant's expense.* — (1) If the combustible material is not removed from the premises within 48 hours after receipt of a notice under subsection (a) of this section, the fire official may:

(i) remove the combustible material from the premises;

(ii) send a bill to the occupant of the premises for the cost of the removal; and

(iii) certify the cost of the removal to the treasurer of the jurisdiction.

(2) If the cost of the removal is not paid to the treasurer within 30 days after receipt of the bill, the jurisdiction may bring a civil action against the occupant to recover the cost.

(c) *Refusal to comply with notice.* — (1) A person may not refuse or neglect to remove combustible material within 48 hours after receipt of a notice under subsection (a) of this section.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$5 and not exceeding \$50 for each violation. (An. Code 1957, art. 48, §§ 181(b), (c), 183; 2003, ch. 5, § 2.)

§ 9-805. Hindering, obstructing, or refusing to allow fire inspection.

(a) *Prohibited.* — A person may not hinder, obstruct, or refuse to allow a fire inspection under this subtitle.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject for each violation to imprisonment not exceeding 30 days or a fine not less than \$10 and not exceeding \$100. (An. Code 1957, art. 48, § 182; 2003, ch. 5, § 2.)

Subtitle 9. Fire Sprinkler Contractors.

§ 9-901. “Fire sprinkler contractor” defined.

In this subtitle, “fire sprinkler contractor” means a person who designs, installs, inspects, tests, repairs, or modifies a fire sprinkler system. (2003, ch. 5, § 2.)

§ 9-902. Program to license fire sprinkler contractors.

(a) *Required.* — The State Fire Prevention Commission shall adopt regulations to establish a program to license and regulate fire sprinkler contractors in the State.

(b) *Duties of State Fire Prevention Commission.* — The State Fire Prevention Commission shall adopt regulations to:

- (1) define fire sprinkler contractor;
- (2) define fire sprinkler system, in a manner that does not conflict with § 12-101(l), (m), or (n) of the Business Occupations and Professions Article;
- (3) designate and identify exemptions to the regulations;
- (4) establish requirements for licensure including professional and technical standards and requirements for liability insurance;
- (5) establish a schedule of fees for licenses that will recover but not exceed the direct and indirect costs associated with the issuance of the licenses; and
- (6) establish procedures for the State Fire Marshal to deny, suspend, or revoke the license of a person who fails to comply with any regulation adopted by the State Fire Prevention Commission under this subtitle. (An. Code 1957, art. 38A, § 3(f)(2), (3); 2003, ch. 5, § 2.)

§ 9-903. Fire sprinkler contractor license required.

(a) *In general.* — Except as provided in subsection (b) of this section, a person may not provide services as a fire sprinkler contractor in the State unless the person is licensed by the State Fire Marshal.

(b) *Exceptions.* — This subtitle does not prohibit:

(1) inspections and tests of fire sprinkler systems by insurance representatives if the representatives are acting in the performance of their assigned duties;

(2) inspections, tests, and repairs of fire sprinkler systems by full-time maintenance employees of a property owner if the employees:

(i) are knowledgeable about fire sprinkler systems; and

(ii) are acting in the performance of their assigned duties for the property owner;

(3) inspections, tests, plan review, and ensuring the maintenance of fire sprinkler systems, emergency maintenance activity on fire sprinkler systems, or restoration to active service of operating or recently operated fire sprinkler systems by members of State, county, municipal, career, or volunteer fire departments, or authorities with jurisdiction if the members are acting in their capacity as members of the fire departments or authorities;

(4) installation of limited area fire sprinkler systems or emergency temporary repairs on fire sprinkler systems performed by master plumbers if the plumbers are acting in accordance with regulations adopted by the State Fire Prevention Commission; or

(5) inspections, tests, preparation of design and specification documents, hydraulic calculations, layout, and plan review of fire sprinkler systems by Maryland professional engineers if the engineers are knowledgeable about fire sprinkler systems. (An. Code 1957, art. 38A, § 3(f)(4), (g); 2003, ch. 5, § 2; 2009, ch. 477.)

§ 9-904. Duties of State Fire Marshal.

The State Fire Marshal shall:

(1) issue fire sprinkler contractors licenses;

(2) collect license fees established by the State Fire Prevention Commission;

(3) keep records of all fees collected under this subtitle;

(4) pay all money collected under this subtitle into the General Fund; and

(5) investigate complaints related to violations of this subtitle. (An. Code 1957, art. 38A, § 8(o); 2003, ch. 5, § 2.)

§ 9-905. Violation of subtitle.

(a) *Prohibited.* — A person may not knowingly violate this subtitle.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both. (An. Code 1957, art. 38A, § 13(a); 2003, ch. 5, § 2.)

*Subtitle 10. Miscellaneous Provisions.***§ 9-1001. Restrictions on use of barbecue grill.**

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Barbecue grill” means equipment used for outdoor cooking that uses as its heat source electricity or the burning of charcoal, liquid propane gas, or other fuel.

(3) (i) “Residential dwelling” means a building or part of a building that provides living or sleeping facilities for one or more individuals.

(ii) “Residential dwelling” includes a multifamily residential dwelling, hotel, motel, boardinghouse, lodging house, rooming house, inn, club, or dormitory.

(iii) “Residential dwelling” does not include:

1. a single family residential dwelling; or
2. a multifamily residential dwelling in which the individual dwelling units are arranged in a row, side by side, and not constructed above each other.

(b) *In general.* — In Charles County and Wicomico County, a person may not use a barbecue grill:

- (1) on a balcony of a residential dwelling; and
- (2) within 20 feet of any part, including a balcony, of a residential dwelling.

(c) *Penalties.* — A person who violates this section is subject to the penalties of § 6-601 of this article. (An. Code 1957, art. 38A, § 67; 2003, ch. 5, § 2.)

TITLE 10.

FIREWORKS AND SPARKLERS.

*Subtitle 1. Definitions; General Provisions.***§ 10-101. Definitions.**

(a) *In general.* — In this title the following words have the meanings indicated.

(b) *1.3 G fireworks.* — (1) “1.3 G fireworks” means special fireworks designed primarily to produce visible or audible effects by combustion or explosion.

(2) “1.3 G fireworks” includes:

(i) toy torpedoes, railway torpedoes, firecrackers and salutes that do not qualify as 1.4 G fireworks, exhibition display pieces, illuminating projectiles, incendiary projectiles, and incendiary grenades;

(ii) smoke projectiles or bombs containing expelling charges but without bursting charges;

(iii) flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, and flash powder or spreader cartridges containing an amount not exceeding 72 grains of flash powder each; and

(iv) flash cartridges consisting of a paper cartridge shell, small arms primer, and flash composition, not exceeding 180 grains, all assembled in one piece.

(c) *1.4 G fireworks*. — (1) “1.4 G fireworks” means common fireworks designed primarily to produce visible effects by combustion.

(2) “1.4 G fireworks” includes:

(i) small devices containing less than 2 grains of pyrotechnic composition designed to produce an audible effect;

(ii) Roman candles, not exceeding 10 balls, that have a total pyrotechnic composition not exceeding 20 grams and inside tube diameter not exceeding $\frac{3}{8}$ inch;

(iii) sky rockets with sticks, that have a total pyrotechnic composition not exceeding 20 grams and an inside tube diameter not exceeding $\frac{1}{2}$ inch;

(iv) helicopter-type rockets that have a total pyrotechnic composition not exceeding 20 grams and an inside tube diameter not exceeding $\frac{1}{2}$ inch;

(v) wheels that have a total pyrotechnic composition not exceeding 60 grams for each driver unit or 240 grams for each wheel and an inside tube diameter of driver units not exceeding $\frac{1}{2}$ inch;

(vi) illuminating torches and colored fire in any form that have a total pyrotechnic composition not exceeding 100 grams each;

(vii) dipped sticks that have a pyrotechnic composition containing any perchlorate not exceeding 5 grams;

(viii) mines or shells in which the mortar is an integral part, that have a total pyrotechnic composition not exceeding 40 grams;

(ix) firecrackers or salutes with casings that have a total pyrotechnic composition not exceeding 2 grains each and external dimensions not exceeding 1 $\frac{1}{2}$ inches in length or $\frac{1}{4}$ inch in diameter; and

(x) novelties that consist of two or more 1.4 G fireworks.

(d) *Explosive composition*. — “Explosive composition” means a mixture or substance that, when ignited, may cause such a generation of highly heated gases that the resulting gaseous pressures are capable of producing destructive effects on contiguous objects.

(e) *Finishing and assembling building*. — “Finishing and assembling building” means a structure in which fireworks are assembled and packed but are not mixed or pressed.

(f) *Fireworks*. — (1) “Fireworks” means combustible, implosive or explosive compositions, substances, combinations of substances, or articles that are prepared to produce a visible or audible effect by combustion, explosion, implosion, deflagration, or detonation.

(2) “Fireworks” includes 1.3 G fireworks, 1.4 G fireworks, firecrackers, squibs, rockets, Roman candles, fire balloons, and signal lights.

(3) “Fireworks” does not include:

(i) toy pistols, toy canes, toy guns, or other devices that use paper caps that contain 0.25 grains or less of explosive composition if the devices are constructed so that a hand cannot touch the cap when the cap is in place for use;

(ii) toy pistol paper caps that contain less than 0.20 grains of explosive composition;

- (iii) sparklers that do not contain chlorates or perchlorates;
- (iv) ground-based sparkling devices that are nonaerial and nonexplosive, and are labeled in accordance with the requirements of the U.S. Consumer Product Safety Commission;
- (v) paper wrapped snappers that contain less than 0.03 grains of explosive composition; or
- (vi) ash-producing pellets known as “snakes” that do not contain mercury and are not regulated by the U.S. Department of Transportation.

(g) *Fireworks plant*. — (1) “Fireworks plant” means land and any building on the land used in connection with the manufacture, packaging, repackaging, or processing of fireworks.

(2) “Fireworks plant” includes a storage building used in connection with plant operation.

(h) *Mixing building*. — “Mixing building” means a building primarily used to mix and blend pyrotechnic composition other than wet sparkler mixes.

(i) *Press building*. — “Press building” means a building used primarily for pressing or loading pyrotechnic composition into tubes or containers.

(j) *Pyrotechnic composition*. — “Pyrotechnic composition” means a chemical mixture that on burning and without explosion produces visible or brilliant displays, bright lights, or whistles.

(k) *Storage building*. — “Storage building” means a structure in which finished fireworks or fireworks in any state of processing are stored, but in which processing or manufacturing is not performed. (An. Code 1957, art. 38A, § 15(a)-(j); 2003, ch. 5, § 2.)

Fireworks displays. — Lawful fireworks displays were not an abnormally dangerous activity because the statutory scheme regulating the use of fireworks significantly reduced the risk of harm associated with the discharge thereof, there was not a high likelihood of harm, the location was appropriate due to strict regulations, and the value to the community outweighed the danger. *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

As the lawful discharge of fireworks by a church, fireworks company, and others was not an abnormally dangerous activity, based upon the six-factor test, permit requirements, and general regulations of fireworks by the applicable statutory scheme, there was no strict liability for an adjacent farmer’s damages due to the farmer’s cows’ stampede from the noise. *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-102. Scope of title.

(a) *In general*. — This title does not apply to:

(1) the sale, possession, or use of fireworks to or by the federal government or a state or a political subdivision of a state;

(2) the sale, possession, or use of a combustible or explosive preparation to or by an industrial or commercial business for use as a signal or otherwise in the normal course of business;

(3) the possession or use of a fusee, railroad torpedo, rocket, Very signal cartridge, or other signal device that is essential to and is kept and used to promote safety in the operation of a motor vehicle, boat, railroad, or aircraft;

(4) the use of a flare, signal pistol, or other equipment if used as a signal in an athletic contest or for a similar purpose; or

(5) subject to the terms and conditions of a permit issued by the State Fire Marshal under subsection (b) of this section, the sale, possession, or use of an explosive device or preparation with a slow-burning fuse rope to or by a farmer for controlling destructive animals.

(b) *Permits for controlling destructive animals.* — The State Fire Marshal or a State game warden as a representative of the State Fire Marshal may grant a nontransferable permit to a farmer to use an explosive device or preparation described under subsection (a)(5) of this section for controlling destructive animals. (An. Code 1957, art. 38A, § 24; 2003, ch. 5, § 2.)

§ 10-103. Authority to grant permits to discharge fireworks.

(a) *In general.* — Subject to subsections (b) and (c) of this section, the State Fire Marshal may issue a permit to authorize the discharge of fireworks in a place where the discharge of fireworks is legal.

(b) *Findings required by State Fire Marshal.* — The State Fire Marshal shall issue a permit to discharge fireworks only if the State Fire Marshal determines that the proposed discharge of fireworks will:

- (1) not endanger health or safety or damage property; and
- (2) be supervised by an experienced and qualified person who has previously secured written authority from the State Fire Marshal to discharge fireworks.

(c) *Scope of permit.* — A permit to discharge fireworks:

(1) does not authorize the holder of the permit to possess or discharge fireworks in violation of an ordinance or regulation of the political subdivision where the fireworks are to be discharged; and

(2) does not relieve an applicant for a permit from any requirement to obtain any additional license or authority from the governing body of the political subdivision where the fireworks are to be discharged. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2.)

No strict liability. — As the lawful discharge of fireworks by a church, fireworks company, and others was not an abnormally dangerous activity, based upon the six-factor test, permit requirements, and general regulations of fireworks by the applicable statutory scheme,

there was no strict liability for an adjacent farmer's damages due to the farmer's cows' stampede from the noise. *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-104. Permit to discharge fireworks.

(a) *Required.* — A person must have a permit to discharge fireworks as provided by this subtitle before the person:

- (1) discharges fireworks; or
- (2) possesses fireworks with the intent to discharge fireworks or to allow the discharge of fireworks.

(b) *Application.* — An applicant for a permit to discharge fireworks shall:

- (1) apply to the State Fire Marshal for the permit at least 10 days before the date of discharge;
- (2) pay to the State Fire Marshal a permit fee of \$50; and

(3) post a bond with the State Fire Marshal in accordance with § 10-105 of this subtitle.

(c) *Late fee.* — If the State Fire Marshal does not receive the application for a permit required under subsection (b) of this section at least 10 days before the date of the discharge, the State Fire Marshal shall charge the applicant a late fee of \$50 in addition to all required fees.

(d) *Exemption from fee.* — The permit fee required under subsection (b)(2) of this section and the late fee required under subsection (c) of this section do not apply to a volunteer fire department or volunteer ambulance and rescue company.

(e) *Permit nontransferable.* — A permit to discharge fireworks is nontransferable. (An. Code 1957, art. 38A, §§ 16(a), 18(a); 2003, ch. 5, § 2.)

University of Baltimore Law Forum. — For a 2016 development, “*Toms v. Calvary Assembly of God, Inc.: Noise Resulting From Legally Permissible Fireworks Does Not Constitute an Abnormally Dangerous Activity, and*

the Application of Strict Liability Is Inappropriate,” see 47 U. Balt. L. F. 79 (2016).

Stated in *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-105. Bond or insurance.

(a) *In general.* — (1) Before issuing a permit to discharge fireworks, the State Fire Marshal shall require an applicant to furnish a surety bond with corporate surety approved by the State Fire Marshal or an approved liability and property insurance policy.

(2) The State Fire Marshal shall prescribe the amount of the bond or policy.

(3) The bond or policy:

(i) shall be conditioned on the payment of all damages to persons or property caused by the discharge of fireworks described in the permit;

(ii) shall be payable to the State; and

(iii) may be enforced by a person who suffers damage caused by the discharge of fireworks described in the permit by suit filed in the name of the State for the benefit of the person.

(b) *Claims.* — If claims under a bond or policy required under this subtitle are for an amount greater than the penal sum of the bond or amount of the policy, the claims shall be payable pro rata to the amount of the penal sum of the bond or amount of the policy. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2; ch. 21, § 7.)

§ 10-106. Workers’ compensation; accident insurance.

An applicant for a permit shall provide:

(1) workers’ compensation coverage as required by the Maryland Workers’ Compensation Act; and

(2) for operators not covered by workers’ compensation, approved accident insurance coverage in amounts that the State Fire Marshal prescribes. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2.)

§ 10-107. Inspections and investigations for permits.

The State Fire Marshal may deputize the chief or another member of a local fire department or another qualified official to inspect, investigate, and receive applications for permits. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2.)

Stated in *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-108. Advertising discharge of fireworks.

A person may not advertise in written or printed form that a fireworks display or discharge will take place in Baltimore City unless the advertisement states:

- (1) that the promoter is covered by a policy of liability insurance; and
 - (2) the name of the insurer and the policy number of the insurance policy.
- (An. Code 1957, art. 38A, § 18(b); 2003, ch. 5, § 2.)

§ 10-109. Regulations.

The State Fire Prevention Commission shall adopt regulations to carry out this subtitle. (An. Code 1957, art. 38A, § 18(a)(1); 2003, ch. 5, § 2.)

§ 10-110. Prohibited acts.

(a) *Discharge or possession of fireworks without permit.* — Unless the person holds a permit issued under this subtitle, a person may not:

- (1) discharge fireworks; or
- (2) possess fireworks:
 - (i) with intent to discharge or allow the discharge of the fireworks in violation of this subtitle; or
 - (ii) for the purpose of disposing or selling the fireworks to a person for use or discharge without a permit, if a permit is required by this subtitle.

(b) *Sale of fireworks without permit.* — (1) Except as otherwise provided in this subtitle, a person may not sell fireworks to another person without a permit issued under this subtitle.

(2) (i) A person licensed by the State Fire Marshal under Subtitle 2 of this title may sell or deliver fireworks to a bona fide distributor, jobber, or wholesaler with a principal place of business in a state where the sale or possession of fireworks is allowed.

(ii) The State Fire Marshal may require a person who is an out-of-state distributor, jobber, or wholesaler to submit a certificate issued by the person's state of operation that demonstrates authority to buy and receive fireworks. (An. Code 1957, art. 38A, § 16(a)(1), (b); 2003, ch. 5, § 2.)

§ 10-111. Penalties.

(a) *Possessing or discharging fireworks in violation of subtitle.* — A person who possesses or discharges fireworks in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$250 for each offense.

(b) *Selling fireworks in violation of subtitle.* — A person who sells fireworks in violation of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each offense.

(c) *Seizure and forfeiture of fireworks.* — (1) At the expense of the owner, the State Fire Marshal shall seize and remove all fireworks possessed or sold in violation of this subtitle.

(2) Fireworks described in paragraph (1) of this subsection shall be forfeited and destroyed. (An. Code 1957, art. 38A, § 17; 2003, ch. 5, § 2.)

Quoted in *Toms v. Calvary Assembly of God, Inc.*, 446 Md. 543, 132 A.3d 866 (2016).

§ 10-112. Sale of sparklers and sparkling devices to person under age of 16 years.

(a) *Prohibited.* — A person may not sell sparklers or sparkling devices to a person under the age of 16 years.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000. (An. Code 1957, art. 38A, § 16A; 2003, ch. 5, § 2.)

§ 10-113. Registration of distributors or wholesalers of sparklers or sparkling devices.

(a) *Scope of section.* — This section applies to a distributor or wholesaler of sparklers or sparkling devices who:

(1) intends to conduct business in the State; or

(2) sells, ships, or assigns for sale in the State the products of the distributor or wholesaler.

(b) *Registration required.* — A distributor or wholesaler shall register annually with the State Fire Marshal on forms the State Fire Marshal provides.

(c) *Annual fee for registration.* — The annual fee for registration under this section is \$750.

(d) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both. (An. Code 1957, art. 38A, § 19A; 2003, ch. 5, § 2.)

Subtitle 2. Fireworks Plants.

§ 10-201. License to operate fireworks plant.

(a) *In general; scope of license.* — (1) Only the State Fire Marshal may issue a license to operate a fireworks plant.

(2) A person shall be licensed by the State Fire Marshal before the person may operate a fireworks plant in the State.

(3) A license to operate a fireworks plant issued under this subtitle authorizes the licensee to:

(i) manufacture, process, and store 1.4 G fireworks, sparklers, sparkling devices, rockets, and Roman candles as authorized under this subtitle; and

(ii) store 1.4 G fireworks and 1.3 G fireworks at an approved location in a storage building approved by the State Fire Marshal or a local authority having jurisdiction over local fire prevention codes.

(b) *Compliance with subtitle required.* — Each fireworks plant in the State, regardless of when constructed, must conform to the requirements of this subtitle before a license to operate a fireworks plant is issued or renewed.

(c) *Determination of compliance before licensure.* — Before the State Fire Marshal issues or renews a license to operate a fireworks plant:

(1) the State Fire Marshal, or a designee of the State Fire Marshal, shall:

(i) inspect the fireworks plant for compliance with this subtitle and regulations adopted under this subtitle; and

(ii) find the fireworks plant to be in full compliance with this subtitle and the regulations adopted under this subtitle;

(2) each unit of the State or political subdivision of the State that is responsible for determining compliance with other applicable statutes, ordinances, and regulations shall:

(i) determine whether the fireworks plant is in compliance with the other applicable statutes, ordinances, and regulations; and

(ii) report the results of the determination to the State Fire Marshal; and

(3) the State Fire Marshal must receive a report from each unit of the State or political subdivision of the State that is responsible for determining compliance with applicable statutes, ordinances, and regulations, that states that the fireworks plant is in full compliance.

(d) *Prior conviction.* — The State Fire Marshal may deny a license to operate a fireworks plant to an applicant who has been convicted of a felony under federal law or any state law.

(e) *Term of license.* — The term of a license may not exceed 1 year.

(f) *Licensing fee.* — An applicant shall pay to the State Fire Marshal a license fee of \$750.

(g) *License suspension and revocation.* — (1) Except as provided in paragraph (2) or (3) of this subsection, if a licensee commits a violation of this subtitle or a regulation adopted by the State Fire Prevention Commission under this subtitle, the State Fire Marshal may suspend the license of the licensee for not more than 30 days.

(2) The State Fire Marshal shall suspend for 30 days the license of a licensee who, within 5 years of committing a first violation, commits a second violation of this subtitle or a regulation adopted by the State Fire Prevention Commission under this subtitle.

(3) The State Fire Marshal shall revoke the license of a licensee who, within 5 years of committing a first violation, commits a third violation, of this subtitle or a regulation adopted by the State Fire Prevention Commission under this subtitle.

(4) On suspending or revoking a license under this subsection, the State Fire Marshal shall:

(i) file and keep a statement of the nature of the violation that resulted in the suspension or revocation; and

(ii) provide a copy of the statement to the owner and the operator of the fireworks plant.

(5) (i) If the State Fire Marshal suspends, revokes, or refuses to renew a license, the State Fire Marshal or designee of the State Fire Marshal shall:

1. determine whether the continued presence of explosive composition within the fireworks plant constitutes a danger to public safety; and

2. if there is a finding of a danger to public safety, remove and dispose of the explosive composition.

(ii) If the State Fire Marshal determines that the danger to public safety under subparagraph (i) of this paragraph is a clear and present danger, the State Fire Marshal or designee of the State Fire Marshal shall remove and dispose of the explosive composition even if an appeal is pending. (An. Code 1957, art. 38A, §§ 19(a), (e)-(g), 20(e); 2003, ch. 5, § 2.)

§ 10-202. Regulations.

(a) *Adoption and enforcement.* — As necessary or advisable to protect the safety of employees of a fireworks plant and the public and to protect public property, the State Fire Prevention Commission shall:

(1) adopt regulations consistent with this subtitle; and

(2) enforce the regulations through the office of the State Fire Marshal.

(b) *Scope.* — The scope of the regulations adopted under this section may include:

(1) the implementation of this subtitle; and

(2) requirements relating to:

(i) the location, construction, arrangement, and operation of a fireworks plant;

(ii) personnel;

(iii) public liability and workers' compensation insurance; and

(iv) fireworks plant safety. (An. Code 1957, art. 38A, § 19(b); 2003, ch. 5, § 2.)

§ 10-203. Inspections.

(a) *Authority.* — The State Fire Marshal or a designee of the State Fire Marshal shall inspect periodically each fireworks plant owned or operated by a person licensed under this subtitle.

(b) *Area of inspection.* — An inspection under this section shall include all aspects of fireworks plant operation. (An. Code 1957, art. 38A, § 19(c); 2003, ch. 5, § 2.)

§ 10-204. Locations of buildings; fencing.

(a) *Location.* — (1) Subject to paragraphs (2) and (3) of this subsection, a mixing building or storage building of a fireworks plant shall be located at least:

(i) 1,000 feet from a school, church, hospital, place of public assembly, or gasoline or fuel oil storage building or service station; and

(ii) 200 feet from any other inhabited building, a highway, or a railroad.

(2) A building within a fireworks plant that contains hazardous mixes or items may not be located nearer to the fireworks plant property line than is authorized under regulations adopted by the State Fire Prevention Commission.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a finishing and assembling building shall be located at least:

1. 75 feet from any other finishing and assembling building; and

2. 200 feet from any storage building used primarily to store finished fireworks other than sparklers.

(ii) If a candle building or rocket press building of a fireworks plant is constructed of approved fire-resistant materials, is barricaded, and otherwise meets the requirements of the State Fire Prevention Commission, the building shall be located at least 50 feet from other finishing and assembling buildings.

(4) A licensee may package and repackage 1.4 G fireworks in finished form in a storage building if there is a minimum separation distance of 25 feet between the packaging area and any stored fireworks.

(5) Except as provided under paragraph (3)(ii) of this subsection, a distance prescribed under this section may not be reduced because of the presence of a barricade or earth cover.

(b) *Fencing.* — (1) Except as provided in paragraph (2) of this subsection, a fireworks plant shall be completely surrounded by a substantial fence that:

(i) is at least 6 feet tall;

(ii) contains at least three strands of barbed wire; and

(iii) except as provided in paragraph (3) of this subsection, contains openings equipped with suitable gates that are kept securely locked when not in use.

(2) Except for an office building in which processing or storage is prohibited, each building in a fireworks plant shall be located within the fence required under paragraph (1) of this subsection.

(3) The main gate of the plant may be left open during the regular hours of plant operation if the gate is within the unobstructed view and under the observation of authorized responsible employees or guards.

(4) The licensee shall post conspicuous signs at least every 500 feet along the fence of the fireworks plant that state “WARNING — NO SMOKING — NO TRESPASSING”. (An. Code 1957, art. 38A, §§ 15(j), 20(a), (c), (d); 2003, ch. 5, § 2.)

§ 10-205. Construction of plant buildings.

(a) *In general.* — Each building in a fireworks plant shall be constructed as provided in this section.

(b) *Exterior walls and roofs.* — (1) This subsection applies to a building that is constructed or improved after July 1, 1970, or to which an addition is made after July 1, 1970.

(2) The following buildings in a fireworks plant shall have exterior walls and roofs that are constructed of noncombustible material and shall be constructed to be frangible:

- (i) a finishing and assembling building;
- (ii) a press building; and
- (iii) a mixing building.

(c) *Limitation on stories.* — A building in a fireworks plant may not contain a basement or exceed one story.

(d) *Floors and interior walls.* — (1) The interior wall surfaces and ceilings of a building in a fireworks plant shall:

- (i) be smooth, free from cracks and crevices, and fire resistant; and
- (ii) contain a minimum number of horizontal ledges on which dust may accumulate.

(2) (i) A floor or work surface in a building in a fireworks plant may not have cracks or crevices in which explosives may lodge.

(ii) A wall joint or opening for wiring or plumbing in a building in a fireworks plant shall be sealed to prevent entry of dust.

(3) A mixing building or press building in a fireworks plant shall contain conductive flooring that is properly grounded.

(e) *Heating.* — A building in a fireworks plant shall be heated by:

- (1) steam;
- (2) indirectly radiating hot air;
- (3) hot water; or
- (4) any other means approved by the State Fire Prevention Commission.

(f) *Electrical wiring and lighting.* — (1) All electric wiring in a fireworks plant shall be permanent and installed in approved conduits.

(2) All electrical service shall comply with applicable electrical codes.

(3) Temporary or loose electric wiring or extension lights may not be used except:

(i) during repair operations while using approved temporary extensions; and

(ii) after the area has been cleared of all explosive composition and washed of dust.

(4) Each fireworks plant shall have a master switch that:

(i) is located at the point where electric current enters the fireworks plant; and

(ii) on being opened, immediately cuts off all electric current to the fireworks plant.

(5) Other than in a warehouse, an open knife switch may not be used inside a building of a fireworks plant.

(6) Artificial lighting in a fireworks plant shall be provided by electric, vapor-proof, keyless lamps.

(g) *Exits.* — (1) Except as provided in paragraph (2) of this subsection, each building shall contain:

- (i) at least two exits for each work area; and
- (ii) at least two exits from the building.

(2) Each small building with a designated capacity of one individual may have only one exit.

- (3) Each exit shall be at least 30 inches wide.
- (4) Exits shall be located:
 - (i) so that the path of travel from the work area is unobstructed; and
 - (ii) at opposite ends of the work area.
- (5) An exit door shall:
 - (i) open outward;
 - (ii) remain unlocked during the hours that the work area or building is occupied; and
 - (iii) remain unobstructed. (An. Code 1957, art. 38A, § 21 (intro. lang.), (1), (2), (4)-(6), (8); 2003, ch. 5, § 2.)

§ 10-206. Plant equipment.

(a) *In general.* — Each building in a fireworks plant shall be equipped as provided in this section.

(b) *Heating equipment.* — (1) A stove, an exposed flame, or an electric heater may not be used in a fireworks plant, except in a boiler room, machine shop, office building, pump house, or lavatory in which fireworks, fireworks components, or volatile chemicals are prohibited.

(2) If a unit heater is located inside a building that could, at any time, contain explosive composition:

- (i) the heater shall be equipped with an explosion-proof motor; and
- (ii) the switches controlling the motor of the unit heater shall be located outside the building in which the motor is located.

(c) *Devices capable of producing open spark.* — An electric motor, fan, open switch, or other device capable of producing an open spark shall be located:

- (1) outside any building in a fireworks plant that at any time contains explosive composition; and
- (2) in a manner so that an open spark cannot be introduced into a building in a fireworks plant that, at any time, contains explosive composition.

(d) *Presses or other mechanical devices.* — A press or other mechanical device located in a building in a fireworks plant that, at any time, contains explosive composition shall be properly grounded to prevent the accumulation of static electricity. (An. Code 1957, art. 38A, § 21 (intro. lang.), (5), (7); 2003, ch. 5, § 2.)

§ 10-207. Safety standards for buildings.

(a) *Materials.* — (1) In this subsection, “explosive composition” or “pyrotechnic composition” includes raw materials, materials being processed, and finished products.

(2) By regulation, the State Fire Prevention Commission shall determine the maximum amount of explosive composition or pyrotechnic composition that may be safely kept in any building in a fireworks plant at any time.

(3) A licensee shall:

- (i) post conspicuously on each building in the fireworks plant, the limits on the amount of explosive composition or pyrotechnic composition authorized under this subsection; and

(ii) strictly comply with the limits.

(b) *Sanitation*. — (1) A licensee shall keep each building in a fireworks plant clean, orderly, and free from accumulated dust or rubbish.

(2) If powder or other explosive materials are spilled on the floor of a building in a fireworks plant, the licensee shall ensure that the floor is cleaned immediately and that the powder or materials are removed immediately from the building.

(c) *Waste materials*. — (1) A licensee shall ensure that rags, combustible and explosive scrap, and paper are:

- (i) kept separate from each other; and
- (ii) placed in approved marked containers.

(2) A licensee shall ensure that waste and rejected hazardous materials are:

- (i) removed daily from each building;
- (ii) removed at regular intervals from the fireworks plant; and
- (iii) destroyed by submersion in water or by burning.

(3) A licensee shall ensure that nonhazardous waste is:

- (i) removed at regular intervals from the fireworks plant; and
- (ii) disposed of in a landfill system or by other suitable means.

(d) *Fire extinguishers*. — A licensee shall ensure that adequate and appropriate fire extinguishers that meet the State Fire Prevention Code are:

- (1) kept in each building in a fireworks plant; and
- (2) readily accessible at all times.

(e) *Visitors*. — (1) Unless an individual has signed into a log and has stated in writing the purpose of the individual's visit to the fireworks plant, a licensee may not allow entry into a fireworks plant by an individual other than:

- (i) an authorized employee; or
- (ii) a representative of a unit of the federal government, a state government, or a political subdivision, having jurisdiction over the fireworks plant.

(2) A licensee shall:

(i) maintain the log of visitors to the fireworks plant for at least 2 years; and

(ii) make the log available for inspection by the State Fire Marshal or a representative of the State Fire Marshal.

(3) All visitors shall wear conductive footwear.

(f) *Security guards*. — (1) There shall be at least one competent security guard present on duty whenever any explosive composition is located within a fireworks plant.

(2) The security guard:

- (i) may not sleep on duty; and
- (ii) shall patrol the entire fireworks plant regularly when the fireworks plant is not in operation. (An. Code 1957, art. 38A, §§ 20(b), 21(2), 22(a)-(d), 23(a); 2003, ch. 5, § 2.)

§ 10-208. Testing of fireworks.

(a) *In general*. — A licensee may test fireworks or their components only in an area that is:

- (1) set aside for that purpose; and
- (2) located at a safe distance from any fireworks plant building or other structure, considering the nature of the materials being tested.

(b) *Experimental testing.* — A licensee may experiment with fireworks, pyrotechnics, or their components only as authorized by the State Fire Marshal. (An. Code 1957, art. 38A, § 22(e), (f); 2003, ch. 5, § 2.)

§ 10-209. Safety requirements for personnel.

(a) *Plant safety officer; employee safety instruction.* — (1) The licensee shall designate an employee in each fireworks plant as safety officer.

(2) When an employee of a fireworks plant begins employment in the fireworks plant and at least annually thereafter, the safety officer shall instruct the employee formally about:

- (i) the provisions of this subtitle;
- (ii) regulations adopted by the State Fire Prevention Commission;
- (iii) proper methods and procedures in fireworks plants;
- (iv) safety requirements and procedures for handling explosives and fireworks; and
- (v) other subjects that the State Fire Prevention Commission requires.

(3) After receiving each course of instruction, the employee shall sign a statement that the employee:

- (i) has received instruction in the subjects required under paragraph (2) of this subsection; and
- (ii) understands the requirements for safe practices.

(4) The statement required under paragraph (3) of this subsection shall be:

- (i) filed in the personnel records of the fireworks plant; and
- (ii) made available for inspection by the State Fire Marshal.

(b) *Maximum number of employees and others.* — A licensee shall post conspicuously in each building signs stating the maximum number of workers and visitors who may be present in the building at any one time.

(c) *Clothing and equipment.* — (1) A licensee shall:

(i) provide cotton working uniforms and conductive shoes to each individual working in a mixing building and press building in a fireworks plant;

- (ii) provide facilities for:
 1. individuals to change into and out of uniforms; and
 2. the safekeeping of clothing;
- (iii) wash uniforms frequently to prevent the accumulation of explosive composition on the uniforms; and
- (iv) provide for employees washing and showering facilities designated by the Secretary of Health.

(2) (i) Each individual working in a mixing building and press building in a fireworks plant shall wear the cotton uniforms and conductive shoes that the licensee provides.

(ii) Each individual working in a production building in a fireworks plant shall wear the type of eye protection designated by the Secretary of Health.

(iii) Each individual working in a mixing area in a fireworks plant shall wear the type of respirator designated by the Secretary of Health.

(3) An individual may not wear the uniform outside the fireworks plant.

(d) *Use of tobacco products.* — (1) Except as provided in paragraph (2) of this subsection, a person may not smoke or carry a lighted pipe, cigarette, cigar, match, lighter, or open flame inside the fence of a fireworks plant.

(2) A licensee may allow smoking in:

- (i) an office building; or
- (ii) another building if:

1. the building is used exclusively as a lunchroom or for rest rooms; and

2. the presence of fireworks or any explosive composition in the building is prohibited.

(3) The licensee shall mark locations in which smoking is authorized.

(4) Smoking locations shall contain:

- (i) suitable receptacles for cigarette and cigar butts and pipe heels; and
- (ii) at least one serviceable fire extinguisher of a type that is acceptable to the State Fire Marshal.

(5) A person whose clothing is so contaminated with explosives or other dangerous materials as to possibly endanger the safety of other fireworks plant personnel may not be allowed in a smoking location.

(e) *Inflammatory materials and tools.* — (1) A person may not bring into a finishing and assembling building, press building, mixing building, or storage building:

- (i) a match, cigarette lighter, or other flame-producing device; or
- (ii) a key, knife, coin, or other personal article made of metal.

(2) A person shall only use properly maintained and nonferrous safety hand tools in any area of a fireworks plant in which there is a danger that materials may be ignited by sparks.

(f) *Use of liquor and narcotics.* — A person may not:

(1) enter or attempt to enter a fireworks plant while:

- (i) possessing liquor or narcotics; or
- (ii) under the influence of liquor or narcotics; or

(2) consume intoxicants or narcotics while in a fireworks plant. (An. Code 1957, art. 38A, §§ 21(2), (3), 23(b)-(g); 2003, ch. 5, § 2; 2017, ch. 214, § 7.)

Editor's note. — Pursuant to § 7, ch. 214, Acts 2017, "Secretary of Health" was substituted for "Secretary of Health and Mental Hygiene" in (c)(1)(iv), (c)(2)(ii), and (c)(2)(iii).

§ 10-210. Prohibited acts; penalties.

(a) *Unlicensed manufacturing or processing.* — (1) A person may not manufacture or process fireworks in the State except in a fireworks plant of a licensee.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(b) *Unauthorized manufacture or storage of fireworks.* — (1) Unless otherwise authorized by law, a person under this subtitle may not manufacture:

- (i) 1.3 G fireworks other than rockets and Roman candles;
- (ii) fireworks commonly known as “flash and sound”;
- (iii) products utilizing potassium chlorate; or
- (iv) explosives.

(2) Except as otherwise authorized under this subtitle or Title 11, Subtitle 1 of this article, a person may not store 1.3 G fireworks other than rockets or Roman candles.

(3) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(c) *Unlicensed operation of a fireworks plant.* — (1) A person who has been denied a license to operate a fireworks plant in the State or whose license to operate a fireworks plant in the State has been suspended or revoked may not operate that fireworks plant in the State.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$2,000 or both. (An. Code 1957, art. 38A, § 19(d), (e), (h); 2003, ch. 5, § 2.)

TITLE 11.

EXPLOSIVES.

Subtitle 1. Licenses to Engage in Business as Manufacturer or Dealer or to Possess Explosives.

§ 11-101. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Dealer.* — (1) “Dealer” means a person who is engaged in the business of buying or selling explosives.

(2) “Dealer” does not include a manufacturer.

(c) *Explosives.* — (1) “Explosives” means gunpowder, powders for blasting, high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powder, and any chemical compound or mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may and is intended to cause an explosion.

(2) “Explosives” includes:

(i) bombs and destructive devices designed to operate by chemical, mechanical, or explosive action; and

(ii) two or more components that are advertised and sold together with instructions on how to combine the components to create an explosive, as defined in paragraph (1) of this subsection.

(3) “Explosives” does not include fixed ammunition for small arms, small arms ammunition primers, small arms percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, friction primers, fireworks, or common matches when used in their original configuration.

(d) *Explosives for use in firearms.* — “Explosives for use in firearms” means:

(1) smokeless powder for loading or reloading small arms ammunition; or
(2) black powder for loading or reloading small arms ammunition, antique arms, or replicas of antique arms.

(e) *Local licensing authority.* — “Local licensing authority” means the sheriff or chief of police of the county or community where the applicant for a license resides or has a regular place of business.

(f) *Manufacturer.* — “Manufacturer” means a person who manufactures or otherwise produces explosives. (An. Code 1957, art. 38A, § 26; 2003, ch. 5, § 2; 2012, chs. 502, 503.)

§ 11-102. Scope of subtitle.

(a) *Transportation of explosives.* — This subtitle does not apply to explosives while being transported on vessels, vehicles, or railroad cars, or while being held for delivery, if the transportation or delivery is subject to and conforms with regulations adopted by the United States Department of Transportation or United States Coast Guard.

(b) *Safety signals.* — This subtitle does not apply to the receipt, possession, and use of signals required for the safe operation of vessels, motor vehicles, railroad cars, or aircraft by their operators. (An. Code 1957, art. 38A, § 35; 2003, ch. 5, § 2.)

§ 11-103. Regulations.

The State Fire Prevention Commission may adopt regulations to carry out this subtitle. (An. Code 1957, art. 38A, § 33; 2003, ch. 5, § 2.)

§ 11-104. Powers of State Fire Marshal.

(a) *Investigations of explosions and fires — In general.* — (1) The State Fire Marshal may investigate an explosion or fire that occurs in any place where explosives or ingredients for explosives are manufactured, transported, stored, or used.

(2) The State Fire Marshal may investigate an explosion, accident, or fire if there is reason to believe explosives were involved.

(b) *Investigations of explosions and fires — Report of findings.* — The State Fire Marshal may report the findings of an investigation under subsection (a) of this section to federal or State authorities:

(1) if the explosion or fire was a willful act, for criminal prosecution of the person causing the willful act; or

(2) if the explosion or fire was accidental, so that precautions may be taken to prevent similar accidents from occurring.

(c) *Investigations of explosions and fires — Authority of employees to enter premises.* — (1) In an investigation under subsection (a) of this section, the

employees under the direction of the State Fire Marshal may enter the premises where the explosion or fire has occurred to:

(i) examine documents; or

(ii) administer oaths to and examine witnesses and other persons concerned.

(2) The owner, lessee, or operator of the premises where the explosion or fire has occurred, or an agent of these persons, may not hinder the actions of an employee of the State Fire Marshal described under paragraph (1) of this subsection.

(d) *Fee for inspection of explosive haulers' vehicles.* — The State Fire Marshal may collect a fee of \$20 for inspection of the vehicle of an explosive hauler. (An. Code 1957, art. 38A, §§ 32(d), 33; 2003, ch. 5, § 2; ch. 128.)

§ 11-105. License required; exceptions.

(a) *In general.* — Except as otherwise provided in this subtitle, a person shall obtain a license issued under this subtitle before the person engages in business as a manufacturer or dealer, possesses explosives other than explosives for use in firearms, or possesses or stores explosives for use in firearms in the State.

(b) *License to engage in business as dealer required.* — (1) A person shall obtain a license to engage in business as a dealer under this subtitle before the person engages in the business of loading or reloading small arms ammunition in the State.

(2) The owner or operator of a mine, quarry, or other operation or business that uses explosives, or a contractor who performs work that uses explosives, shall obtain a license to engage in business as a dealer under this subtitle.

(c) *Exceptions — Armed forces and others handling explosives.* — This section does not apply to the armed forces of the United States, the National Guard, the State Guard, or officers or employees of the United States, the State, or a local subdivision of the State who are authorized to handle explosives in the performance of their duties.

(d) *Exceptions — Possession of explosives for use in firearms.* — (1) Subject to paragraph (2) of this subsection, a person need not obtain a license to possess or store up to 5 pounds of smokeless powder for the loading or reloading of small arms ammunition, and up to 5 pounds of black powder for the loading or reloading of small arms ammunition or for use in the loading of antique arms or replicas of antique arms, if the smokeless powder and black powder are stored in their original shipping containers and are possessed only for personal use in firearms.

(2) A person may not possess or store explosives for use in firearms in any quantity in multifamily dwellings, apartments, dormitories, hotels, schools, other public buildings, or buildings or structures open for public use.

(3) Notwithstanding paragraph (2) of this subsection, the State Fire Marshal may issue a permit to allow temporary possession of explosives for use in firearms in a building or structure open for public use. (An. Code 1957, art. 38A, §§ 27, 27A, 27B, 29, 35; 2003, ch. 5, § 2; 2012, chs. 502, 503.)

§ 11-106. Applications for licenses.

(a) *In general.* — (1) An applicant for a license to engage in business as a manufacturer or dealer, to possess explosives other than explosives for use in firearms, or to possess explosives for use in firearms, and an applicant for a blaster’s permit shall:

(i) submit an application to the State Fire Marshal on the form that the State Fire Marshal provides;

(ii) submit the documents required under this section; and

(iii) pay to the State Fire Marshal the fees required under subsection (d) of this section and the cost of the criminal history records check.

(2) The application form shall require the following information:

(i) the name and address of the applicant;

(ii) the reason for desiring the requested license or permit;

(iii) if the applicant is an individual, the citizenship of the individual;

(iv) if the applicant is a partnership, association, or corporation, the names, addresses, and citizenship of the partners of the partnership or officers and directors of the association or corporation; and

(v) proof of liability insurance in the amount that the State Fire Prevention Commission sets.

(b) *Fingerprints.* — As part of the application for a license or permit, the applicant shall submit to the State Fire Marshal the fingerprints required under subsection (e)(3)(i) of this section for each applicant and each officer, agent, or employee of the applicant who will be handling explosives.

(c) *Additional information for license to possess explosives.* — As part of the application for a license or permit, the State Fire Marshal shall require the applicant to submit with the application:

(1) the place where the explosives will be stored;

(2) the place where the explosives will be used; and

(3) the specific purpose for using the explosives.

(d) *Fees.* — Each application for a license or permit shall be accompanied by the following fee:

(1) license to engage in business as a manufacturer of:

(i) less than 500 pounds of explosives.....\$150

(ii) 500 pounds or more of explosives but less than 5,000 pounds..\$300

(iii) 5,000 pounds or more of explosives but less than 10,000 pounds.....\$750

(iv) 10,000 pounds or more of explosives.....\$1,500

(2) license to engage in business as a dealer for:

(i) retail only.....\$75

(ii) users.....\$150

(iii) wholesale and retail.....\$300

(3) license to possess explosives other than for use in firearms.....\$150

(4) license to possess explosives for use in firearms.....\$150

(5) storage license for:

(i) Class A — 500 pounds or more of explosives.....\$150

(ii) Class B — less than 500 pounds of explosives.....\$75

(6) blaster’s permit.....\$60

(e) *Criminal history records check.* — (1) In this subsection, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) The State Fire Marshal shall apply to the Central Repository for a State and national criminal history records check for each applicant and each officer, agent, or employee of the applicant who will be handling explosives.

(3) As part of the application for a criminal history records check, the State Fire Marshal shall submit to the Central Repository:

(i) two complete sets of legible fingerprints of each applicant and each officer, agent, or employee of the applicant who will be handling explosives, taken on forms approved by the Central Repository and the Federal Bureau of Investigation;

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the State Fire Marshal a printed statement of the criminal history record information of the subject of the criminal history records check.

(5) Information obtained from the Central Repository under this subsection:

(i) shall be confidential and may not be disseminated; and

(ii) shall be used only for the purpose authorized by this subsection.

(6) The subject of a criminal history records check under this subsection may challenge the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article. (An. Code 1957, art. 38A, §§ 28(a)-(d), 32(c); 2003, ch. 5, § 2; ch. 128; 2005, ch. 63.)

§ 11-107. Issuance of license.

(a) *In general.* — The State Fire Marshal shall issue a license or permit to each applicant who meets the requirements of this subtitle.

(b) *Denial of application — Grounds.* — Subject to subsection (c) of this section, the State Fire Marshal shall deny an application for a license or permit if the State Fire Marshal finds that:

(1) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is not sufficiently experienced and will not work under satisfactory supervision in manufacturing, dealing in, or handling of explosives, as applicable;

(2) the applicant lacks suitable facilities for manufacturing, dealing in, or handling explosives;

(3) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been convicted of a felony or crime involving violence;

(4) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is disloyal to the United States or has renounced United States citizenship;

(5) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, will use the explosives for an illegal purpose;

(6) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is a fugitive as defined in § 9-401 of the Criminal Law Article;

(7) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been adjudicated substantially cognitively impaired as defined in § 3-301 of the Criminal Law Article;

(8) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been committed to a mental institution;

(9) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been dishonorably discharged from the United States military;

(10) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is an alien other than an alien authorized to receive explosives under the federal Safe Explosives Act;

(11) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is a user of, or addicted to, a controlled dangerous substance as defined in § 5-101 of the Criminal Law Article;

(12) the application contains false information; or

(13) the application fails to provide required information.

(c) *Denial of application — Exceptions.* — (1) An applicant for a license to possess explosives for use in firearms need not have sufficient experience in handling explosives or work under satisfactory supervision in handling explosives.

(2) An applicant for a license to possess explosives to be used for agricultural purposes need not:

(i) have sufficient experience in handling explosives or work under satisfactory supervision in handling explosives; or

(ii) have suitable facilities for handling explosives.

(d) *Certification of compliance with Workers' Compensation Act.* — Before a license or permit may be issued under this subtitle to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the State Fire Marshal:

(1) a certificate of compliance with the Maryland Workers' Compensation Act; or

(2) the number of a workers' compensation insurance policy or binder.

(e) *Notice of issuance.* — On issuance of a license or permit under this section, the State Fire Marshal shall notify:

(1) the fire chief or fire administrator in the county where the license or permit was issued; or

(2) if the county does not have a county fire chief or fire administrator, the local 9-1-1 center. (An. Code 1957, art. 38A, §§ 28(a)-(e), 29A; 2003, ch. 5, § 2; ch. 128; 2016, ch. 633.)

Effect of amendments. — Chapter 633, Acts 2016, effective October 1, 2016, substituted “substantially cognitively impaired” for “mentally defective” in (b)(7).

Editor’s note. — For codification of the federal Safe Explosives Act, referenced in (b)(10), see 18 U.S.C.S. § 841.

§ 11-108. Scope of license to engage in business as dealer.

A license to engage in business as a dealer authorizes the licensee to store 1.4 G fireworks and 1.3 G display fireworks at approved locations in storage buildings approved by the State Fire Marshal or the local authority with jurisdiction over local fire prevention codes. (An. Code 1957, art. 38A, § 19(e); 2003, ch. 5, § 2.)

§ 11-109. Term of license.

A license issued under this subtitle expires on the third anniversary of its effective date unless sooner revoked. (An. Code 1957, art. 38A, § 32(b); 2003, ch. 5, § 2; 2005, ch. 63.)

§ 11-110. Employees of businesses or operations that use explosives.

(a) *Sale or issuance of explosives to employees.* — The owner or operator of a mine, quarry, or other operation or business that uses explosives, or a contractor who performs work that uses explosives, required to obtain a license to engage in business as a dealer under this subtitle:

(1) may issue or sell to each employee only the amount of explosives as is reasonably required by that employee to perform the employee’s duties;

(2) shall ensure that any explosives issued or sold to an employee are not taken by the employee to a place not necessary for the employee to perform the employee’s duties; and

(3) shall ensure that any unused explosives are returned to the owner, operator, or contractor on termination of the work for which the explosives were issued or sold to the employee.

(b) *License not required.* — Regardless of whether the owner, operator, or contractor has obtained a license to engage in business as a dealer, an employee of the owner, operator, or contractor need not obtain a license to possess explosives other than explosives for use in firearms in order to possess explosives issued or sold to the employee by the owner, operator, or contractor. (An. Code 1957, art. 38A, § 29; 2003, ch. 5, § 2.)

§ 11-111. Revocations of licenses.

A license issued under this subtitle may be revoked by the State Fire Marshal for:

(1) a ground specified under § 11-107 of this subtitle for denying an application for a license; or

(2) a violation of regulations adopted by the State Fire Prevention Commission to regulate the use, handling, and storage of explosives. (An. Code 1957, art. 38A, § 32(a); 2003, ch. 5, § 2.)

§ 11-112. Records and reports of manufacturers and dealers.

(a) *Records.* — (1) Each manufacturer and each dealer shall keep, for all explosives shipped, purchased, or sold, a record that includes:

(i) the name and address of each consignee, buyer, or seller of the explosives;

(ii) the date of each shipment, purchase, or sale; and

(iii) the amount and description of the explosives.

(2) Each record kept under this subsection shall at all times be open for inspection by agents of the licensing authority and by federal, State, and local law enforcement officers.

(3) (i) Subject to subparagraph (ii) of this paragraph, each manufacturer and each dealer shall provide a copy of each record kept under this subsection to the State Fire Marshal in the form that the State Fire Marshal requires.

(ii) A record kept under this subsection shall be provided on request, but need not be filed more than once in each calendar month.

(b) *Reports to licensing authorities.* — (1) Subject to paragraph (2) of this subsection, each manufacturer shall file with the licensing authority of each state, other than this State, to which explosives have been shipped by the manufacturer, a report that includes:

(i) the name of each buyer to whom explosives have been shipped in that state; and

(ii) the amount and description of the explosives.

(2) A report required under paragraph (1) of this subsection shall be filed on request, but need not be filed more than once in each calendar month.

(3) In like manner, each manufacturer shall file with the State Fire Marshal a report that includes:

(i) the name of each buyer of explosives in this State; and

(ii) the amount and description of the explosives. (An. Code 1957, art. 38A, § 30; 2003, ch. 5, § 2.)

§ 11-113. Reports of theft of explosives.

Each theft or other unauthorized taking of explosives from a licensee under this subtitle shall be reported by the licensee to the State Fire Marshal:

(1) immediately by telephone; and

(2) by a written report in the form required by the State Fire Marshal. (An. Code 1957, art. 38A, § 33A; 2003, ch. 5, § 2.)

§ 11-114. Prohibited acts; penalty — In general.

(a) *Engaging in business as manufacturer or dealer without license prohibited.* — Except as otherwise provided in this subtitle, a person may not engage in business as a manufacturer or dealer in the State unless the person is licensed under this subtitle.

(b) *Possession of explosives other than explosives for use in firearms without license prohibited.* — Except as otherwise provided in this subtitle, a person

may not possess explosives other than explosives for use in firearms in the State unless the person is licensed under this subtitle.

(c) *Sale to unlicensed persons prohibited.* — Except as otherwise provided in this subtitle, a dealer may not sell, barter, give, or dispose of explosives other than explosives for use in firearms to a person unless the person is licensed under this subtitle.

(d) *Engaging in business as dealer without license prohibited.* — The owner or operator of a mine, quarry, or other operation that uses explosives, and a contractor performing work that uses explosives, may not engage in business as a dealer in the State unless the person is licensed under this subtitle.

(e) *Prohibitions on employees.* — An employee of an owner or operator of a mine, quarry, or other operation that uses explosives, or of a contractor performing work that uses explosives, may not possess explosives in a place not necessary for the employee to perform the employee's duties unless the employee is licensed to possess explosives under this subtitle.

(f) *Violation of regulations prohibited.* — A person may not violate a regulation adopted under this subtitle.

(g) *Penalty.* — Except as otherwise provided in § 11-116 of this subtitle, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both. (An. Code 1957, art. 38A, §§ 27, 27A, 29, 31, 34, 34C; 2003, ch. 5, § 2; 2012, chs. 502, 503.)

Defendant may violate this section by possessing ingredients for explosives. — Where a combination of two or three of the various chemicals possessed by the defendant could produce low-order explosives, high-order explosives, poisonous gas or incendiaries as well as irritants, defendant could be convicted under this section. *Schuman v. State*, 19 Md. App. 400, 311 A.2d 460 (1973), cert. denied, 271 Md. 743 (1974).

Assumption that ingredients for explosives kept for illicit purpose. — Where the

chemical substances possessed were of such a nature and quantity as to fall within the prescribed "chemical compound," "mechanical mixture," or "other ingredients" prohibited by the General Assembly in § 26(1) of former Article 38A of the Code (now § 11-101(c) of this article), the possession gives rise to a rational inference that the possessor maintains and controls such chemicals for an illicit purpose, to wit, the making of explosives. *Schuman v. State*, 19 Md. App. 400, 311 A.2d 460 (1973), cert. denied, 271 Md. 743 (1974).

§ 11-115. Prohibited acts; penalty — Explosives for use in firearms; required reports.

(a) *Prohibitions on possession or storage of explosives for use in firearms.* — (1) A person may not possess at any time or store in any one place more than 5 pounds of smokeless powder or more than 5 pounds of black powder for use in firearms unless the person is licensed under this subtitle.

(2) A person may not engage in the business of loading or reloading small arms ammunition unless the person is licensed to engage in business as a dealer under this subtitle.

(3) Except as otherwise provided in this subtitle, a person may not possess or store explosives for use in firearms in any quantity in multifamily dwellings, apartments, dormitories, hotels, schools or other public buildings, or buildings or structures open for public use.

(b) *Prohibition on sale of explosives for use in firearms.* — A dealer may not sell, barter, give, or dispose of more than 5 pounds of black powder or more than 5 pounds of smokeless powder for use in firearms to any one person at any one time unless the person is licensed under this subtitle.

(c) *Failure to file reports or records prohibited.* — A person may not fail to file reports or records required under § 11-112 of this subtitle.

(d) *Failure to file report of theft prohibited.* — A person may not fail to file a report of theft of explosives required under § 11-113 of this subtitle.

(e) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both. (An. Code 1957, art. 38A, §§ 27B(b), (c), (d)(1), 31A, 34D; 2003, ch. 5, § 2; ch. 21, § 7.)

§ 11-116. Additional penalties.

(a) *For violation of § 11-114(b).* — (1) Except as otherwise provided in paragraph (2) of this subsection, a person who violates § 11-114(b) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$10,000 or both.

(2) Paragraph (1) of this subsection does not apply to a person who neither intended to use nor used the explosives involved in violation of:

(i) Title 3, Subtitle 1 or Subtitle 5, Title 5, Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or § 12-701 of this article;

(ii) Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the Agriculture Article;

(iii) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;

(iv) Title 14, Subtitle 29, § 11-810, or § 14-1317 of the Commercial Law Article;

(v) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(d)(8), § 11-708(d)(7)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;

(vi) the Criminal Law Article other than Title 8, Subtitle 2, Part II or § 10-614;

(vii) Title 5, Subtitle 10A of the Environment Article;

(viii) § 5-503 of the Family Law Article;

(ix) Title 20, Subtitle 7 or § 21-259.1 of the Health - General Article;

(x) § 8-713.1, § 8-724.1, § 8-725.6, § 8-725.7, § 8-726.1, § 8-738.2, § 8-740.1, or § 10-411(a) or (d), as it relates to Harford County, of the Natural Resources Article;

(xi) § 14-127 of the Real Property Article;

(xii) § 6-301 or § 33-2503 of the Alcoholic Beverages Article;

(xiii) § 109 of the Code of Public Local Laws of Caroline County;

(xiv) § 4-103 of the Code of Public Local Laws of Carroll County; or

(xv) § 8A-1 of the Code of Public Local Laws of Talbot County.

(b) *For violation of § 11-114(c) or conspiracy to violate § 11-114(b).* — (1) Except as otherwise provided in paragraph (2) of this subsection, a person

who violates § 11-114(c) of this subtitle or who conspires to violate § 11-114(b) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$10,000 or both.

(2) Paragraph (1) of this subsection does not apply to a person who had probable cause to believe that the explosives involved would be used for a purpose other than the violation of:

(i) Title 3, Subtitle 1 or Subtitle 5, Title 5, Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or § 12-701 of this article;

(ii) Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the Agriculture Article;

(iii) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;

(iv) Title 14, Subtitle 29, § 11-810, or § 14-1317 of the Commercial Law Article;

(v) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(d)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(d)(7)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;

(vi) the Criminal Law Article other than Title 8, Subtitle 2, Part II or § 10-614;

(vii) Title 5, Subtitle 10A of the Environment Article;

(viii) § 5-503 of the Family Law Article;

(ix) Title 20, Subtitle 7 or § 21-259.1 of the Health - General Article;

(x) § 8-713.1, § 8-724.1, § 8-725.6, § 8-725.7, § 8-726.1, § 8-738.2, § 8-740.1, or § 10-411(a) or (d), as it relates to Harford County, of the Natural Resources Article;

(xi) § 14-127 of the Real Property Article;

(xii) § 6-301 or § 33-2503 of the Alcoholic Beverages Article;

(xiii) § 109 of the Code of Public Local Laws of Caroline County;

(xiv) § 4-103 of the Code of Public Local Laws of Carroll County; or

(xv) § 8A-1 of the Code of Public Local Laws of Talbot County. (An. Code 1957, art. 38A, §§ 34A, 34B; 2003, ch. 5, § 2; ch. 17; 2004, ch. 66; 2007, ch. 5, § 6; 2010, ch. 72, § 5; 2012, ch. 66, § 1; 2014, ch. 45; 2016, ch. 228; 2019, ch. 8, § 5.)

Cross references. — For present provisions concerning the Maryland Debt Services Management Act, see § 12-901 et seq. of the Financial Institutions Article.

Effect of amendments. — Chapter 228, Acts 2016, effective July 1, 2016, rewrote (a)(2)(xii) and (b)(2)(xii).

Editor's note. — Section 5, ch. 8, Acts 2019, enacted pursuant to art. II, § 17(b) of the Maryland Constitution without the Governor's signature, provides that "the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make

nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 5, ch. 8, Acts 2019, § 8-725.6, § 8-725.7 of the Natural Resources Article was substituted for § 8-725.5, § 8-725.6 of the Natural Resources Article in (a)(2)(x), and (b)(2)(x), following the amendment by ch. 747, Acts 2019.

§ 11-117. Merger of convictions; preemption among penalties.

(a) *Merger of convictions.* — If a person has been convicted of a violation of § 11-114(a) and (b) of this subtitle, or of a violation of §§ 11-115(a) and 11-114(b) of this subtitle, and the convictions arise out of the same transaction, the conviction under § 11-114(a) or § 11-115(a) of this subtitle merges into the conviction under § 11-114(b) of this subtitle.

(b) *Preemption among penalties.* — If a person has been convicted of two or more violations under this subtitle and has been penalized under § 11-114(g), § 11-115(e), or § 11-116 of this subtitle for one violation, the person is not subject to an additional penalty under § 11-116 of this subtitle. (An. Code 1957, art. 38A, § 34E; 2003, ch. 5, § 2; 2011, ch. 65, § 5.)

§ 11-118. Procedures for action under subtitle.

In an action under this subtitle:

(1) the State need not disprove any exception, excuse, proviso, or exemption under this subtitle; and

(2) the burden of proof of an exception, excuse, proviso, or exemption is on the defendant or the holder of any alleged security interest, as the case may be. (An. Code 1957, art. 38A, § 34G; 2003, ch. 5, § 2.)

Subtitle 2. Explosives Advisory Council.

§§ 11-201 to 11-206. Explosives Advisory Council.

Repealed by Acts 2005, ch. 235, § 1, effective October 1, 2005.

TITLE 12.

BUILDING AND MATERIAL CODES; OTHER SAFETY PROVISIONS.

*Subtitle 5. Maryland Building Performance Standards.***§ 12-501. Definitions.**

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Building.* — “Building” has the meaning stated in the International Building Code.

(c) *Department.* — “Department” means the Maryland Department of Labor.

(d) *International Building Code.* — (1) “International Building Code” means the first printing of the most recent edition of the International Building Code issued by the International Code Council.

(2) “International Building Code” does not include interim amendments or subsequent printings of the most recent edition of the International Building Code.

(e) *International Energy Conservation Code*. — (1) “International Energy Conservation Code” means the first printing of the most recent edition of the International Energy Conservation Code issued by the International Code Council.

(2) “International Energy Conservation Code” does not include interim amendments or subsequent printings of the most recent edition of the International Energy Conservation Code.

(f) *International Green Construction Code*. — (1) “International Green Construction Code” means the first printing of the most recent edition of the International Green Construction Code issued by the International Code Council.

(2) “International Green Construction Code” does not include interim amendments or subsequent printings of the most recent edition of the International Green Construction Code.

(g) *Local jurisdiction*. — “Local jurisdiction” means the county or municipal corporation that is responsible for implementation and enforcement of the Standards under this subtitle.

(h) *Standards*. — “Standards” means the Maryland Building Performance Standards.

(i) *Structure*. — “Structure” has the meaning stated in the International Building Code. (An. Code 1957, art. 83B, § 6-401(a), (b), (d)-(g), (k); 2003, ch. 5, § 2; 2006, ch. 135; 2009, ch. 294; 2011, ch. 369; 2018, ch. 673; 2019, ch. 91, § 7.)

Effect of amendments. — Chapter 673, Acts 2018, effective July 1, 2018, reenacted (a) without change and substituted “Labor, Licensing, and Regulation” for “Housing and Community Development” in (c).

Editor’s note. — For additional provisions relating to the transfer of employees, duties, records, appropriations, etc. of the Department of Housing and Community Development to the Department of Labor, Licensing, and Regulation, see §§ 2 through 7 of ch. 673, Acts 2018.

Section 7, ch. 91, Acts 2019, effective July 1, 2019, provides that “the publisher of the Anno-

tated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 7, ch. 91, Acts 2019, “Maryland Department of Labor” was substituted for “Department of Labor, Licensing, and Regulation” in (c).

§ 12-502. Effect of subtitle.

(a) *On State boards and commissions*. — This subtitle does not alter or abrogate the authority of:

(1) the State Board of Plumbing to adopt and enforce the State Plumbing Code under the Maryland Plumbing Act, Title 12 of the Business Occupations and Professions Article;

(2) the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors to adopt and enforce the State Heating, Ventilation, Air-Conditioning, and Refrigeration Code under the Maryland Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors Act, Title 9A of the Business Regulation Article;

(3) the Commissioner of Labor and Industry to adopt and enforce standards for elevator safety under Subtitle 8 of this title;

(4) the State Fire Prevention Commission to enforce the Electrical Code under Subtitle 6 of this title; or

(5) the Public Service Commission to enforce the Energy Code defined under the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article.

(b) *On zoning power of counties and municipal corporations.* — This subtitle does not alter or abrogate any zoning power or related authority that a county or municipal corporation had on October 1, 1993.

(c) *On role of State to administer and enforce Standards.* — This subtitle does not allow or encourage the State to initiate or assume an independent role in the administration and enforcement of the Standards for a building or structure that is not owned or operated by the State. (An. Code 1957, art. 83B, §§ 6-402(e)(3), (h), 6-406; 2003, ch. 5, § 2; 2010, ch. 52.)

§ 12-503. Maryland Building Performance Standards.

(a) *Adoption required.* — (1) The Department shall adopt by regulation, as the Maryland Building Performance Standards, the International Building Code, including the International Energy Conservation Code, with the modifications incorporated by the Department under subsection (b) of this section.

(2) The Department shall adopt each subsequent version of the Standards within 18 months after it is issued.

(b) *Modifications to International Building Code.* — (1) Before adopting each version of the Standards, the Department shall:

(i) review the International Building Code to determine whether modifications should be incorporated in the Standards;

(ii) consider changes to the International Building Code to enhance energy conservation and efficiency;

(iii) subject to the provisions of paragraph (2)(ii) of this subsection, adopt modifications to the Standards that allow any innovative approach, design, equipment, or method of construction that can be demonstrated to offer performance that is at least the equivalent to the requirements of:

1. the International Energy Conservation Code;

2. Chapter 13, “Energy Efficiency”, of the International Building Code; or

3. Chapter 11, “Energy Efficiency”, of the International Residential Code;

(iv) accept written comments;

(v) consider any comments received; and

(vi) hold a public hearing on each proposed modification.

(2) (i) Except as provided in subparagraph (ii) of this paragraph and § 12-510 of this subtitle, the Department may not adopt, as part of the Standards, a modification of a building code requirement that is more stringent than the requirement in the International Building Code.

(ii) The Department may adopt energy conservation requirements that are more stringent than the requirements in the International Energy Conservation Code, but may not adopt energy conservation requirements that are

less stringent than the requirements in the International Energy Conservation Code.

(c) *Applicability.* — The Standards apply to each building or structure in the State for which a building permit application is received by a local jurisdiction on or after August 1, 1995.

(d) *Adoption of International Green Construction Code permitted.* — In addition to the Standards, the Department may adopt by regulation the International Green Construction Code. (An. Code 1957, art. 83B, §§ 6-402(a), (b)(2), (c)(1), 6-403; 2003, ch. 5, § 2; 2006, ch. 135; 2009, ch. 294; 2011, ch. 369; 2012, chs. 606, 607; 2015, ch. 239; 2016, ch. 83.)

Effect of amendments. — Chapter 83, Acts 2016, effective October 1, 2016, substituted “18 months” for “12 months” in (a)(2).

Editor’s note. — Section 2, chs. 606 and 607, Acts 2012, provides that “this Act shall apply to a building permit application submit-

ted to a local jurisdiction under § 12-505(a) of the Public Safety Article and to industrialized building plans submitted to the Department of Housing and Community Development under Title 12, Subtitle 3 of the Public Safety Article on or after October 1, 2012.”

§ 12-504. Local amendments to Standards and International Green Construction Code.

(a) *Authority to adopt.* — (1) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:

(i) prohibit the minimum implementation and enforcement activities set forth in § 12-505 of this subtitle;

(ii) weaken energy conservation and efficiency provisions contained in the Standards;

(iii) except as provided in paragraph (3) of this subsection, weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards; or

(iv) weaken wind design and wind-borne debris provisions contained in the Standards.

(2) (i) Regardless of whether the International Green Construction Code is adopted by the Department under § 12-503(d) of this subtitle, a local jurisdiction may adopt the International Green Construction Code.

(ii) A local jurisdiction may make local amendments to the International Green Construction Code.

(3) Paragraph (1)(iii) of this subsection does not apply to:

(i) standards governing issuance of a building permit for a property not connected to an electrical utility; or

(ii) until January 1, 2016, standards governing issuance of a building permit for a new one- or two-family dwelling constructed on:

1. a lot subject to a valid unexpired public works utility agreement that was executed before March 1, 2011; or

2. a lot served by an existing water service line from a water main to the property line that:

A. is less than a nominal 1-inch size;

B. is approved and owned by the public or private water system that owns the mains;

C. was installed before March 1, 2011; and

D. is fully operational from the public or private main to a curb stop or meter pit located at the property line.

(b) *Applicability.* — If a local jurisdiction adopts a local amendment to the Standards, the Standards as amended by the local jurisdiction apply in the local jurisdiction.

(c) *Conflict with Standards.* — If a local amendment conflicts with the Standards, the local amendment prevails in the local jurisdiction.

(d) *Adopted in accordance with local law.* — A local jurisdiction that adopts a local amendment to the Standards shall ensure that the local amendment is adopted in accordance with applicable local law.

(e) *Copy of amendments.* — To keep the database established under this subtitle current, a local jurisdiction that adopts a local amendment to the Standards shall provide a copy of the local amendment to the Department:

(1) at least 15 days before the effective date of the amendment; or

(2) within 5 days after the adoption of an emergency local amendment.

(An. Code 1957, art. 83B, § 6-402(d); 2003, ch. 5, § 2; 2009, ch. 294; 2011, ch. 369; 2012, ch. 265, § 2; ch. 266, § 2; 2013, chs. 536, 537.)

§ 12-505. Implementation and enforcement of Standards.

(a) *In general.* — (1) (i) Each local jurisdiction shall implement and enforce the most current version of the Standards and any local amendments to the Standards.

(ii) Any modification of the Standards adopted by the State after December 31, 2009, shall be implemented and enforced by a local jurisdiction no later than 12 months after the modifications are adopted by the State.

(2) At a minimum, the local jurisdiction shall ensure that implementation and enforcement of the Standards includes:

(i) review and acceptance of appropriate plans;

(ii) issuance of building permits;

(iii) inspection of the work authorized by the building permits; and

(iv) issuance of appropriate use and occupancy certificates.

(3) Each local jurisdiction shall determine the manner in which the minimum implementation and enforcement activities of this subsection are carried out.

(b) *Responsible county or municipal corporation.* — (1) Except as otherwise provided in this subsection, the county in which a building or structure is located shall implement and enforce the Standards for that building or structure in accordance with this subtitle.

(2) (i) A municipal corporation that did not adopt a building code on or before October 1, 1992, may elect to implement and enforce the Standards in accordance with this subtitle for buildings or structures located in the municipal corporation.

(ii) If a municipal corporation elects to implement and enforce the Standards under this paragraph, the county in which the municipal corporation is located is not responsible for implementation and enforcement of the Standards in the municipal corporation.

(3) A county that did not adopt a building code on or before October 1, 1992, shall implement and enforce the Standards in the county unless it elects to negotiate with a municipal corporation in the county to have the municipal corporation implement and enforce the Standards in the county.

(4) A municipal corporation that adopted a building code on or before October 1, 1992, shall implement and enforce the Standards in the municipal corporation unless it elects to negotiate with the county in which the municipal corporation is located to have the county implement and enforce the Standards in the municipal corporation.

(c) *Fees.* — A local jurisdiction may charge fees necessary to cover the cost of implementation and enforcement of the Standards and any local amendments to the Standards. (An. Code 1957, art. 83B, § 6-402(e)(1), (2), (f), (g); 2003, ch. 5, § 2; 2006, ch. 135; 2009, ch. 294; 2016, ch. 83.)

Effect of amendments. — Chapter 83, Acts 2016, effective October 1, 2016, substituted “12 months” for “6 months” in (a)(1)(ii).

§ 12-506. Central automated database.

(a) *In general.* — The Department shall maintain a central automated database in accordance with this section.

(b) *Contents.* — (1) At a minimum, the Department shall include in the database:

- (i) the Standards;
 - (ii) local amendments to the Standards;
 - (iii) the State Fire Prevention Code adopted by the State Fire Prevention Commission under Title 6 of this article;
 - (iv) fire prevention codes adopted by local jurisdictions;
 - (v) the Electrical Code required under Subtitle 6 of this title;
 - (vi) local amendments to the Electrical Code;
 - (vii) the Energy Code defined under the Energy Conservation Building Standards Act, Title 7, Subtitle 4 of the Public Utilities Article;
 - (viii) local code provisions that are more restrictive than the Energy Code defined under the Energy Conservation Building Standards Act;
 - (ix) information compiled by the Department under paragraph (2) of this subsection;
 - (x) the Maryland Building Rehabilitation Code;
 - (xi) local amendments to the Maryland Building Rehabilitation Code;
- and

(xii) proposed federal or State legislation of which the Department is aware and that directly affects the construction industry.

(2) The Department may compile and include in the database:

- (i) any information provided by a local jurisdiction on the implementation and interpretation of the Standards by the local jurisdiction; and
- (ii) interim amendments to the International Building Code including subsequent printings of the most recent edition.

(c) *Other duties of Department.* — The Department shall:

(1) make information from the database available to a local jurisdiction, State unit, or other interested party;

(2) provide each local jurisdiction with the necessary hardware or software to enable the local jurisdiction to access the information in the database; and

(3) coordinate with local building officials, the State Fire Marshal, and local fire officials in compiling information for the database.

(d) *Fees for information from database.* — (1) (i) Except as provided in subparagraph (ii) of this paragraph, the Department may charge a fee for information provided from the database.

(ii) The Department may not charge a fee to a State unit or local jurisdiction.

(2) The Department may not charge a fee to a local jurisdiction for the ongoing maintenance of the database.

(3) Fees collected in accordance with this subsection unexpended at the end of the fiscal year do not revert to the General Fund, but shall be kept in a special fund available to the Department to carry out this subtitle.

(e) *Amendments to local codes.* — (1) A local jurisdiction shall provide to the Department a copy of each amendment to the local jurisdiction's fire prevention code or Electrical Code within 15 days after the effective date of the amendment.

(2) A local jurisdiction shall provide to the Department a copy of each amendment to the local jurisdiction's energy code that is more restrictive than the Energy Code defined under the Energy Conservation Building Standards Act within 15 days after the effective date of the amendment. (An. Code 1957, art. 83B, §§ 6-401(j), 6-404, 6-405(a)(1), (3), (b)(1); 2003, ch. 5, § 2; 2010, ch. 52.)

§ 12-507. Other powers and duties of Department.

(a) *Powers.* — The Department may:

(1) develop a voluntary forum that may be used, on request of a local jurisdiction, to resolve conflicts that involve the Standards; and

(2) adopt regulations to carry out this subtitle.

(b) *Duties.* — The Department:

(1) shall notify each local jurisdiction of each change to the International Building Code and the impact the change will have on the local amendments in that local jurisdiction;

(2) in conjunction with the Maryland Building Officials Association and other interested organizations, shall provide training for local building officials on the Standards and certify the participation of local building officials in the training; and

(3) on request, shall provide a local jurisdiction with technical assistance to implement and enforce the Standards. (An. Code 1957, art. 83B, § 6-405(a)(2), (4), (5), (b)(2), (3); 2003, ch. 5, § 2.)

§ 12-508. Exemption for agricultural buildings used for agritourism.

(a) *“Agricultural building” defined.* — (1) In this section, “agricultural building” means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.

(2) “Agricultural building” does not include a place of human residence.

(b) *Scope.* — This section applies only to:

(1) Allegany County, Anne Arundel County, Baltimore County, Calvert County, Carroll County, Cecil County, Charles County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, Prince George’s County, St. Mary’s County, Somerset County, and Talbot County; or

(2) a county where the local legislative body has approved the application of this section to the county.

(c) *Exception where use is subordinate.* — The Standards do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use.

(d) *In general.* — Except as provided in subsection (e) of this section, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:

(1) is in accordance with limitations set forth in regulations adopted by the Department;

(2) occupies only levels of the building on which a ground level exit is located; and

(3) does not require more than 50 people to occupy an individual building at any one time.

(e) *Exceptions in certain counties.* — In Allegany County, Anne Arundel County, Baltimore County, Carroll County, Cecil County, Garrett County, Howard County, Kent County, Prince George’s County, and St. Mary’s County, an existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if:

(1) the subordinate use of agritourism does not require more than 200 people to occupy an individual building at any one time; and

(2) the total width of means of egress meets or exceeds the International Building Code standard that applies to egress components other than stairways in a building without a sprinkler system.

(f) *Requirements.* — An agricultural building used for agritourism:

(1) shall be structurally sound and in good repair; but

(2) need not comply with:

(i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or

(ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

(g) *Regulations.* — The Department shall adopt regulations to implement this section. (2006, ch. 135; 2017, ch. 531; 2018, chs. 241, 493; 2019, chs. 70, 71.)

Effect of amendments. — Chapter 531, Acts 2017, effective October 1, 2017, in (b) added “Cecil County” and “Garrett County”; in (d)(3) added the exception; added (e); and redesignated accordingly.

Chapter 241, Acts 2018, effective October 1, 2018, rewrote (b); and moved the exception from the beginning of (d)(3) to the beginning of the introductory language of (d) and made related changes.

Chapter 493, Acts 2018, effective October 1, 2018, added “Carroll County” and “Howard County” in (b) and (e) and made a related change; and added “of this section” in (d)(3).

Chapters 70 and 71, Acts 2019, effective October 1, 2019, made identical changes. Each

in (b)(1) and (e) added “Allegany County, Anne Arundel County, Baltimore County”; in (b)(1) added “Kent County” near the end; and in (e) added “Kent County, Prince George’s County, and St. Mary’s County” and made a related change.

Editor’s note. — Chapters 241 and 493, Acts 2018, affected (b) and (d). Neither chapter referred to the other, and effect has been given to both. The amendment in (b) by ch. 493 appears in (b)(1); ch. 241 moved the exception amended by both chapters from (d)(3) to the beginning of (d).

§ 12-509. Encouragement of high-performance homes.

(a) *“High-performance home” defined.* — In this section, “high-performance home” means a new residential structure that meets or exceeds the current version of:

(1) the Silver rating of the International Code Council’s 700 National Green Building Standards; or

(2) the Silver rating of the U.S. Green Building Council’s LEED (Leadership in Energy and Environmental Design) for Homes Rating System.

(b) *In general.* — The Department shall encourage the construction of new residential structures in the State that are high-performance homes. (2011, ch. 135.)

§ 12-510. Master control device in hotels.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) (i) “Hotel” means an establishment that offers sleeping accommodations for compensation.

(ii) “Hotel” does not include a bed and breakfast establishment.

(3) “Master control device” means:

(i) a control that is activated when a person enters the room through the primary room-access method; or

(ii) an occupancy sensor control that is activated by a person’s presence in the room.

(b) *Applicability.* — This section applies only to the new construction of hotels.

(c) *Master control device required.* — (1) Each hotel guest room shall be equipped with a master control device that automatically turns off the power to all of the lighting fixtures in the guest room no more than 30 minutes after the room has been vacated.

(2) A master control device may also control the heating, ventilation, or air conditioning default settings in hotel guest rooms 30 minutes after a room has been vacated by:

(i) increasing the set temperature by at least 3 degrees Fahrenheit when in the air conditioning mode; or

(ii) decreasing the set temperature by at least 3 degrees Fahrenheit when in the heating mode.

(d) *Provisions part of Maryland Building Performance Standards.* — The Department shall adopt the provisions of this section as a part of the Maryland Building Performance Standards. (2012, chs. 606, 607.)

Editor's note. — Section 2, chs. 606 and 607, Acts 2012, provides that “this Act shall apply to a building permit application submitted to a local jurisdiction under § 12-505(a) of the Public Safety Article and to industrialized

building plans submitted to the Department of Housing and Community Development under Title 12, Subtitle 3 of the Public Safety Article on or after October 1, 2012.”

Subtitle 6. Electrical Code.

§ 12-601. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Certified nongovernmental electrical inspector.* — “Certified nongovernmental electrical inspector” means an individual certified by the State Fire Marshal to inspect electrical installations for conformity with the National Electrical Code or any adopted local electrical code or amendments.

(c) *Electrical installation.* — “Electrical installation” means any installed:

(1) electrical wires or conductors that transmit electric current for electric light, heat, or power purposes;

(2) cable, molding, duct, raceway, or conduit for the reception or protection of wires or conductors; or

(3) electrical machinery, apparatus, device, or fixture. (An. Code 1957, art. 38A, § 59(a); 2003, ch. 5, § 2; 2010, ch. 127.)

§ 12-602. Scope of subtitle.

(a) *Counties exempt from subtitle.* — This subtitle does not apply to:

(1) public utilities, their affiliated companies, and electrical appliances and devices used in their work;

(2) the inspection or certification of an electrical installation by a unit of a county government that is authorized to conduct electrical inspections; or

(3) an electrical installation of the State or federal government during an emergency if the electrical installation is necessary for the public welfare as a result of the emergency.

(b) *Local law or ordinance not superseded.* — (1) This subtitle does not supersede any local law or ordinance of a local jurisdiction that establishes standards or qualifications for electrical inspectors and inspections within that local jurisdiction.

(2) A certified nongovernmental electrical inspector shall obtain county approval or certification as may be required by local law or ordinance. (An. Code 1957, art. 38A, §§ 59(b), 63; 2003, ch. 5, § 2; 2010, ch. 127.)

§ 12-603. Electrical installation to conform to code.

Each electrical installation in the State shall conform to:

- (1) the National Electrical Code; or
- (2) the electrical code and amendments adopted by the county in which the electrical installation is done. (An. Code 1957, art. 38A, § 60; 2003, ch. 5, § 2; 2010, ch. 127.)

§ 12-604. Administration and enforcement.

(a) *In general.* — The State Fire Marshal shall administer and enforce this subtitle.

(b) *Regulations.* — The State Fire Marshal may:

- (1) adopt regulations necessary to carry out this subtitle; and
- (2) use any member of the Office of the State Fire Marshal, as necessary, to carry out and enforce this subtitle. (2010, ch. 127.)

§ 12-605. Electrical inspection certificates.

(a) *Before authorizing electrical current to be turned on.* — Before a utility authorizes electrical current to be turned on for a premise or structure, the utility must receive a cut-in certificate from a certified nongovernmental electrical inspector or governmental unit that is qualified to issue electrical inspection certificates.

(b) *After completion of electrical installation.* — Within 15 days after completion, each electrical installation shall be certified by a certified nongovernmental electrical inspector or a governmental unit that is qualified to issue electrical inspection certificates. (2010, ch. 127.)

§ 12-606. Certification required.

A person shall be certified by the State Fire Marshal as a nongovernmental electrical inspector before the person inspects or certifies an electrical installation. (2010, ch. 127.)

§ 12-607. Qualifications.

(a) *Minimum qualifications.* — Except as provided in subsection (b) of this section, an applicant for a nongovernmental electrical inspector certificate shall meet the following minimum qualifications:

- (1) complete an apprenticeship as an electrician;
- (2) complete at least 5 years of documented progressive experience in the electrical trade; and
- (3) pass a written examination administered by the State Fire Marshal.

(b) *Substitute educational and training experience.* — In lieu of the minimum eligibility requirements required in subsection (a)(1) and (2) of this section, the State Fire Marshal may adopt regulations that allow an applicant to substitute an electrical engineering degree or accumulated credits toward

an electrical engineering degree in combination with education, training, and experience to meet the qualifications. (2010, ch. 127.)

§ 12-608. Application.

(a) *In general.* — An applicant for a certificate shall:

(1) submit to the State Fire Marshal an application on the form the State Fire Marshal provides;

(2) submit all documents that the State Fire Marshal requires; and

(3) pay to the State Fire Marshal an application fee of \$100.

(b) *Statement.* — The application form provided by the State Fire Marshal shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided in § 12-616 of this subtitle. (2010, ch. 127.)

§ 12-609. Certificate.

(a) *Issuance.* — The State Fire Marshal shall issue a certificate to each applicant who meets the requirements of this subtitle.

(b) *Contents.* — The certificate shall include:

(1) the full name of the certificate holder;

(2) the date of issuance; and

(3) the date on which the certificate expires.

(c) *Change of address.* — Each certificate holder shall give the State Fire Marshal written notice of change of address within 10 business days after the change. (2010, ch. 127.)

§ 12-610. Certificate — Scope.

While a certificate for a nongovernmental electrical inspector is in effect, it authorizes the certificate holder to inspect electrical installations for conformity with the National Electrical Code or a local code as amended. (2010, ch. 127.)

§ 12-611. Certificate — Expiration and renewal.

(a) *Date of expiration.* — (1) Unless a certificate is renewed for a 3-year term as provided in this section, the certification expires on the date set by the State Fire Marshal.

(2) The State Fire Marshal may determine that certificates issued under this subtitle shall expire on a staggered basis.

(b) *Renewal notice.* — At least 45 days before a certificate expires, the State Fire Marshal shall mail to the certificate holder, at the last known address of the certificate holder:

(1) a renewal application form; and

(2) a notice that states:

(i) the date on which the current certificate expires;

(ii) that the State Fire Marshal must receive the renewal application at least 15 days before the certificate expiration date for the renewal to be issued and mailed before the certificate expires;

(iii) the amount of the renewal fee;

(iv) that an individual may not be issued a certificate under this subtitle until all outstanding obligations are satisfied with the State Fire Marshal; and

(v) that the submission of a false statement in the renewal application or the submission of altered or false documents that are otherwise required is cause for revocation of the certification.

(c) *Certified nongovernmental electrical inspector.* — A certified nongovernmental electrical inspector may renew the certification for a 3-year term if the certificate holder:

(1) otherwise is entitled to be certified; and

(2) submits to the State Fire Marshal:

(i) a renewal application on the form the State Fire Marshal provides;

(ii) a renewal fee of \$50; and

(iii) satisfactory evidence of compliance with any other requirements under this section for renewal of certification.

(d) *Failure to renew.* — Certificate holders who fail to renew within 90 days from the date of expiration shall be required to submit an initial application and successfully pass the written examination.

(e) *Issuance of renewal.* — The State Fire Marshal shall renew the certification of each applicant who meets the requirements of this section. (2010, ch. 127.)

§ 12-612. Denials, reprimands, suspensions, and revocations.

(a) *Grounds.* — Subject to the hearing provisions of § 12-613 of this subtitle, the State Fire Marshal may deny a certificate to an applicant, refuse to renew a certificate, reprimand a certificate holder, suspend or revoke a certificate, or impose a civil penalty not exceeding \$1,000 if the applicant or certificate holder:

(1) fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or another;

(2) fraudulently or deceptively uses the certificate;

(3) engages in an unfair or deceptive trade practice, as defined in § 13-301 of the Commercial Law Article;

(4) willfully or deliberately disregards or violates a building code, electrical code, or law of the State or a local jurisdiction;

(5) while not certified, solicits to engage in or willfully engages in providing electrical inspection services;

(6) while not certified, willfully advertises as a certified nongovernmental electrical inspector;

(7) willfully makes a false statement or misrepresentation in any renewal application or in any other document that the State Fire Marshal requires to be submitted; or

(8) violates any other provision of this subtitle or any regulation adopted by the State Fire Marshal under this subtitle.

(b) *Penalty; considerations.* — In determining the appropriate penalty to be imposed under subsection (a) of this section, the State Fire Marshal shall consider:

- (1) the gravity of the violation;
 - (2) the good faith of the violator;
 - (3) the number and gravity of previous violations by the same violator;
 - (4) the harm caused to the complainant, the public, and the electrical inspector profession;
 - (5) the assets of the violator; and
 - (6) any other factors that the State Fire Marshal considers relevant.
- (2010, ch. 127.)

§ 12-613. Denials, reprimands, suspensions, and revocations — Hearing.

(a) *Opportunity for hearing.* — Before the State Fire Marshal takes any final action under § 12-612 of this subtitle, the State Fire Marshal shall give the individual against whom the action is contemplated an opportunity for a hearing before the State Fire Marshal.

(b) *Notice.* — The State Fire Marshal shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) *Mailing of notice.* — The hearing notice shall be sent by certified mail to the last known address of the person at least 10 business days before the hearing.

(d) *Oaths.* — The State Fire Marshal may administer oaths in connection with any proceeding under this section.

(e) *Right to counsel.* — The person may be represented at the hearing by counsel.

(f) *Failure to appear.* — If, after due notice, the person against whom the action is contemplated fails to appear for the hearing, the State Fire Marshal may hear and determine the matter. (2010, ch. 127.)

§ 12-614. Appeal and judicial review.

Any person aggrieved by a final decision of the State Fire Marshal in a contested case, as defined in § 10-202 of the State Government Article, is entitled to appeal to the Office of Administrative Hearings and to judicial review, as provided in the Administrative Procedure Act. (2010, ch. 127.)

§ 12-615. Installation of electrical wiring by homeowners.

(a) *Scope of section.* — This section applies in Charles County and St. Mary's County.

(b) *In general.* — In a county subject to this section, a homeowner may install electrical wiring in a home that is to be used as the homeowner's residence subject to standards set by the county commissioners.

(c) *Regulations.* — (1) The county commissioners of Charles County may adopt regulations to govern the issuance of permits to homeowners under this section.

(2) The county commissioners of St. Mary's County shall adopt regulations to govern the issuance of permits to homeowners under this section. (An. Code 1957, art. 38A, §§ 65, 66; 2003, ch. 5, § 2; 2010, ch. 127.)

§ 12-616. Violation of subtitle.

(a) *Prohibited.* — Except as otherwise provided in this subtitle, a person may not inspect or certify an electrical installation unless the person is certified by the State Fire Marshal.

(b) *Willful making of false statement on application.* — A person may not willfully make a false statement on an application submitted under this subtitle.

(c) *Penalty.* — A person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both. (An. Code 1957, art. 38A, § 64; 2003, ch. 5, § 2; 2010, ch. 127.)

Subtitle 7. Miscellaneous Safety Provisions.

§ 12-701. Exit signs in buildings with three or more levels or floors.

(a) *Required.* — (1) Except as provided in paragraph (2) of this subsection, each elevator and each stairway in a building with three or more levels or floors shall indicate clearly by sign or otherwise which levels or floors are most accessible to the exits of the building.

(2) This requirement does not apply to an elevator or stairway in a dwelling for the personal use of a family.

(b) *Prohibited act; penalty.* — The owner of a building subject to this section who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50. (An. Code 1957, art. 27, § 120C; 2003, ch. 5, § 2.)

§ 12-702. Emergency power and lighting systems for buildings.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) "Commission" means the State Fire Prevention Commission.

(3) "NFPA 70" means the most recent edition of the National Electrical Code adopted by the Commission.

(4) "NFPA 101" means the most recent edition of the National Life Safety Code adopted by the Commission.

(b) *Applicability in Baltimore City.* — (1) Notwithstanding any other provisions of this article, this section applies in Baltimore City.

(2) In Baltimore City, the Baltimore City Fire Department shall enforce this section.

(3) In Baltimore City, appeals concerning this section shall be made to the Baltimore City fire board.

(c) *Emergency power and lighting required.* — (1) This subsection applies to:

(i) a public building or structure owned by the State or a subdivision of the State; and

(ii) a hotel, apartment building, lodging house, hospital, nursing home, dormitory, or educational building with:

1. a potential evening occupancy of more than 25 individuals; and
2. at least 4 stories, excluding attics and basements.

(2) Each building or structure subject to this subsection shall be equipped with adequate emergency power and lighting in accordance with NFPA 101.

(d) *Power source for emergency system.* — The emergency electrical power supply system required by this section may be powered by generators, battery packs, or other similar devices at the discretion of the owner of the building or structure.

(e) *Duties of Commission.* — (1) The Commission shall administer this section.

(2) The Commission shall adopt regulations to enforce this section, including regulations that require:

(i) emergency electrical systems in accordance with NFPA 101, to provide sufficient light in halls, corridors, and stairways during outages or blockages of regular services to facilitate the movement of individuals in the event of an emergency;

(ii) sufficient exit signs that are adequately lighted to guide individuals on the premises;

(iii) sufficient emergency electrical power to operate elevators, electrical facilities in hospital operating rooms, hospital X-ray equipment, and other emergency equipment that are necessary to the proper operation of medical services in hospitals and nursing homes;

(iv) adequate emergency electric lighting in accordance with NFPA 101 in each building for commercial, mercantile, industrial, storage, office, or similar purposes if the building is at least 4 stories, excluding attics and basements, and evening occupancy is more than 25 individuals; and

(v) installation and operation of emergency power and lighting in accordance with NFPA 101 and NFPA 70.

(3) (i) For purposes of paragraph (2)(iii) of this subsection, the Commission shall consult with the Secretary of Health to evaluate the requirements to be adopted for the operation of hospitals and nursing homes.

(ii) In making this evaluation, the Secretary of Health shall consider the size and nature of the particular hospital or nursing home operation.

(f) *Enforcement by State Fire Marshal.* — Except as provided in subsection (b) of this section, the State Fire Marshal shall enforce this section and the regulations adopted by the Commission so that individuals on the premises are reasonably protected in the event of an emergency.

(g) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties of § 6-601 of this article. (An. Code 1957, art. 38A, § 58; 2003, ch. 5, § 2; 2017, ch. 214, § 7.)

Editor's note. — Pursuant to § 7, ch. 214, Acts 2017, “Secretary of Health” was substituted for “Secretary of Health and Mental Hygiene” in (e)(3)(i) and (e)(3)(ii).

§ 12-703. Use of welded “clip-type” connectors as temporary fastening devices.

(a) *Prohibited.* — A person may not use welded clip and seat type connections or other welded “clip-type” connectors as temporary fastening devices in construction that involves the use of structural iron or steel.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation. (An. Code 1957, art. 48, § 116; 2003, ch. 5, § 2.)

§ 12-704. Use of structural iron or steel beams or girders with studs or reinforcing shear connectors.

(a) *Prohibited.* — A person may not erect structural steel or iron beams or girders with shear composite studs, other studs, or reinforcing shear connectors, unless these devices are attached after the erection is completed of all structural members or forming or decking of a particular floor or deck level or span of a bridge or area between transverse floor beams.

(b) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each violation. (An. Code 1957, art. 48, § 117; 2003, ch. 5, § 2.)

§ 12-705. Lockout tags.

(a) *“Lockout tag” defined.* — In this section, “lockout tag” means a tag that:

- (1) seals a knife blade disconnect switch box closed;
- (2) is attached to the exterior of the knife blade disconnect switch box with a metal or plastic strap; and
- (3) includes a safety warning about the potential for electrocution if an individual removes the lockout tag or touches the contents of the knife blade disconnect switch box.

(b) *Installation.* — A company that installs solar photovoltaic systems shall install a lockout tag at each residential installation at the time of installation. (2019, ch. 279.)

Editor's note. — Section 3, ch. 279, Acts 2019, provides that the act shall take effect July 1, 2019.

Subtitle 8. Elevator Safety.

Part I. Definitions.

§ 12-801. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Accessibility lift mechanic.* — “Accessibility lift mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing commercial stairway chairlifts, vertical platform lifts, or incline platform lifts.

(c) *Accessibility lift mechanic specialist.* — “Accessibility lift mechanic specialist” means a person who is licensed as an accessibility lift mechanic and has been certified by the Board to erect, construct, wire, alter, replace, maintain, repair, dismantle, or service private residential elevators.

(d) *Board.* — “Board” means the Elevator Safety Review Board.

(e) *Certificate.* — “Certificate” means a certificate of registration and inspection issued by the Commissioner to operate an elevator unit.

(f) *Cliffside elevator.* — “Cliffside elevator” means an elevator located at, on, or adjacent to the side of a cliff or a natural incline that is intended for use by individuals.

(g) *Commissioner.* — “Commissioner” means the Commissioner of Labor and Industry or an authorized representative of the Commissioner of Labor and Industry.

(h) *Dumbwaiter.* — “Dumbwaiter” means a hoisting and lowering machine equipped with a car of limited capacity and size that moves in guides in a substantially vertical direction and is used exclusively for carrying material.

(i) *Elevator.* — “Elevator” means a hoisting and lowering machine equipped with a car or platform that moves in guides in a substantially vertical direction and serves two or more floors of a building or structure.

(j) *Elevator contractor.* — “Elevator contractor” means a person who is engaged in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

(k) *Elevator mechanic.* — “Elevator mechanic” means a person who is engaged in erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator or accessibility lift units.

(l) *Elevator refinisher.* — “Elevator refinisher” means a person who is engaged in the refinishing of existing metal and wood elements in elevator cabs, including the stripping of old lacquer on wood and bronze items, staining wood to match existing finishes, cleaning, polishing, oxidizing, painting, lacquering, and the removing of scratches to maintain existing finishes.

(m) *Elevator renovator contractor.* — “Elevator renovator contractor” means a person who is engaged in the business of performing work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator’s wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator's moving operation.

(n) *Elevator renovator mechanic*. — “Elevator renovator mechanic” means a person who performs work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator's wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator's moving operation.

(o) *Elevator unit*. — “Elevator unit” includes a cliffside elevator, an elevator, an escalator, a dumbwaiter, and a moving walk.

(p) *Escalator*. — “Escalator” means a power driven, inclined, continuous stairway used for raising and lowering passengers.

(q) *License*. — “License” includes:

- (1) an accessibility lift mechanic license;
- (2) an elevator contractor license;
- (3) an elevator mechanic license;
- (4) an elevator renovator contractor license; and
- (5) an elevator renovator mechanic license.

(r) *Moving walk*. — “Moving walk” means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(s) *Safety Code*. — “Safety Code” means the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments and revisions to it, as adopted by the Commissioner.

(t) *Secretary*. — “Secretary” means the Secretary of Labor.

(u) *Third-party qualified elevator inspector*. — “Third-party qualified elevator inspector” means an inspector who:

(1) meets the qualifications, insurance requirements, and procedures established by the Commissioner; and

(2) is certified by a nationally recognized safety organization accredited by the National Commission for Certifying Agencies or the American National Standards Institute that ensures that:

(i) the certification requires testing and grading consistent with industry recognized criteria and any related consensus standards; and

(ii) any renewal of certification requires continuing education. (An. Code 1957, art. 89, §§ 49B(b) (intro. lang.), (b)(1)-(5), (10), 49C(a)(1), (2), (4)-(6); 2003, ch. 5, § 2; ch. 254, § 2; 2006, ch. 39; 2007, ch. 408; 2009, ch. 145; 2012, chs. 306, 307; 2013, ch. 441; 2014, ch. 155; 2019, ch. 91, § 7.)

Editor's note. — Section 7, ch. 91, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and termi-

nology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.” Pursuant to § 7, ch. 91, Acts 2019, “Secretary of Labor” was substituted for “Secretary of Labor, Licensing, and Regulation” in (t).

§§ 12-802, 12-803.

Reserved.

Part II. Registration and Inspection of Elevators.

§ 12-804. Scope of part; applicability of other provisions.

(a) *Scope of part.* — (1) Part II of this subtitle does not apply to an elevator unit that is:

(i) except as provided in paragraph (2) of this subsection, installed in a privately owned single-family residential dwelling; or

(ii) installed in a building or structure under federal control or regulation.

(2) Part II of this subtitle applies to a cliffside elevator located on the property of a privately owned single-family residential dwelling.

(b) *Applicability of other provisions.* — Sections 5-205(j), 5-207, 5-214, 5-215, and 5-216 and Title 5, Subtitle 8 of the Labor and Employment Article apply to Part II of this subtitle. (An. Code 1957, art. 89, § 49B(k), (o); 2003, ch. 5, § 2; 2006, ch. 39; 2014, ch. 155.)

§ 12-805. Administration and enforcement.

(a) *“Assisted living program” defined.* — In this section, “assisted living program” has the meaning stated in § 19-1801 of the Health - General Article.

(b) *In general.* — The Commissioner shall administer and enforce Part II of this subtitle.

(c) *Regulations.* — (1) The Commissioner shall adopt regulations that conform generally to the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1-1971, and all subsequent amendments and revisions to it.

(2) If necessary to fulfill the Commissioner’s responsibilities under Part II of this subtitle, the Commissioner shall:

(i) adopt regulations that amend standards set forth in the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, ANSI Code A17.1-1971, and all subsequent amendments and revisions to it; and

(ii) adopt other regulations.

(3) The Commissioner may adopt regulations to authorize and regulate the installation and inspection of noncommercial elevator units in assisted living programs with five or fewer beds that are licensed by the Maryland Department of Health under § 19-1804.1 of the Health - General Article.

(4) The regulations shall be consistent with the requirements of § 12-1006 of this title.

(d) *Chief elevator inspector.* — The Commissioner may assign duties and functions imposed by Part II of this subtitle to the chief elevator inspector.

(e) *Cost of administration.* — The cost of administering Part II of this subtitle is provided for under § 5-204 of the Labor and Employment Article. (An. Code 1957, art. 89, § 49B(e), (j), (l); 2003, ch. 5, § 2; 2010, ch. 531; 2017, ch. 214, § 7.)

Editor's note. — Pursuant to § 7, ch. 214, Acts 2017, “Maryland Department of Health” was substituted for “Department of Health and Mental Hygiene” in (c)(3).

§ 12-806. Safety standards for elevators.

(a) *In general.* — Except as otherwise provided in this section, each elevator unit shall be inspected, tested, and maintained in a safe operating condition in accordance with:

- (1) the Safety Code; and
- (2) any other regulations adopted by the Commissioner.

(b) *Installation before July 1, 1955.* — (1) (i) Subject to subparagraph (ii) of this paragraph, an elevator unit installed before July 1, 1955, may be used without being altered or rebuilt to comply with the requirements of the Safety Code.

(ii) Each elevator shall be equipped with standard hoistway entrance protection, and each passenger elevator of more than 100 feet per minute contract speed shall be provided with car doors or gates that meet the requirements of the Safety Code.

(2) Notwithstanding any other provision of this subsection, each elevator unit installed before July 1, 1955:

- (i) shall be maintained in a safe operating condition so as not to create a substantial probability of serious physical harm or death; and
- (ii) is subject to inspections and tests as required.

(c) *Alterations and relocations.* — (1) For purposes of this subsection, an alteration of an existing elevator unit is any change made to it other than the repair or replacement of damaged, worn, or broken parts necessary for normal operation.

(2) Each alteration or relocation of an elevator unit installed after January 1, 1975, shall meet the requirements of the Safety Code.

(d) *Requirements of test on elevator unit.* — (1) A test on an elevator unit performed in connection with an inspection required by this subtitle, the Safety Code, or a regulation adopted by the Commissioner shall be performed by a licensed elevator mechanic.

(2) A third-party qualified elevator inspector required to witness a test performed on an elevator unit in accordance with this subtitle, the Safety Code, or a regulation adopted by the Commissioner shall be physically present during the entire test to witness that the test was performed correctly and to verify the proper recording of the test result.

(3) A State inspector shall oversee all third-party qualified elevator inspectors and retains authority over final acceptance of new construction, modernization, and service upgrade turnovers of elevators.

(4) Subject to subsection (g) of this section, a test requiring the presence of a third-party qualified elevator inspector shall be conducted in accordance with the following:

- (i) beginning October 1, 2018, a 5-year test on an elevator of a privately owned building that requires an inspector to witness the test shall be

performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector;

(ii) beginning October 1, 2019, a test on an elevator of a publicly owned building that requires an inspector to witness the test shall be performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector; and

(iii) beginning October 1, 2020, an annual test on an elevator of a privately owned building that requires an inspector to witness the test shall be performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector.

(e) *Scheduling of elevator test.* — (1) A third-party qualified elevator inspector or the owner or agent of the owner of the elevator shall schedule a test in accordance with subsection (d) of this section.

(2) (i) The third-party qualified elevator inspector shall contact the elevator contracting company and the property owner not less than 60 days in advance to schedule the test for a date and time that is reasonably convenient for all parties involved.

(ii) The owner or agent of the owner shall contact the elevator contracting company not less than 60 days in advance to schedule the test for a date and time that is reasonably convenient for all parties involved.

(3) In the event of an unforeseen circumstance or undue hardship, any party involved in scheduling the test may reschedule the test.

(4) The third-party qualified elevator inspector shall notify the Commissioner of the time, date, and location of each test.

(f) *Exceptions.* — On written request, the Commissioner may grant exceptions from the literal requirements or allow the use of devices or methods other than those specified under the Safety Code and other regulations adopted by the Commissioner if:

(1) it is evident that the exception is necessary to prevent undue hardship; or

(2) existing conditions prevent practical compliance and in the opinion of the Commissioner reasonable safety can be secured.

(g) *Alternative persons to conduct elevator test.* — (1) If the Commissioner determines that the number of third-party qualified elevator inspectors is insufficient to meet the requirements of subsection (d)(4)(ii) of this section, a licensed elevator mechanic may perform a test in the physical presence of an available third-party qualified elevator inspector, or a State inspector to make up for the deficient number of third-party qualified elevator inspectors.

(2) If the Commissioner subsequently determines that the number of third-party qualified elevator inspectors is sufficient to meet the requirements of subsection (d)(4)(ii) of this section, a licensed elevator mechanic shall perform a test in the physical presence of a third-party qualified elevator inspector.

(3) The Commissioner shall adopt regulations to implement this subsection. (An. Code 1957, art. 89, § 49B(b)(9), (d), (g); 2003, ch. 5, § 2; 2014, ch. 155; 2018, ch. 337.)

Effect of amendments. — Chapter 337, Acts 2018, effective October 1, 2018, added (d), (e), and (g), and redesignated accordingly.

§ 12-807. Certificate required.

(a) *In general.* — An elevator unit may not be operated in a building, structure, or place of employment in the State unless a certificate is issued by the Commissioner.

(b) *Certificates of inspection accepted.* — Notwithstanding subsection (a) of this section, the Commissioner shall accept certificates of inspection from a political subdivision or municipal corporation instead of the certificate required by subsection (a) of this section. (An. Code 1957, art. 89, § 49B(a); 2003, ch. 5, § 2; ch. 17.)

§ 12-808. Registration with Commissioner.

(a) *In general.* — Except as otherwise provided in this section, each elevator unit owned or to be operated shall be registered with the Commissioner at least 60 days before its planned completion and before it is placed in service.

(b) *Form of registration; information required.* — (1) The owner or lessee of each elevator unit shall register it on the form provided by the Commissioner.

(2) For each elevator unit registered, the owner or lessee shall provide:

- (i) its type;
- (ii) its rating load and speed;
- (iii) the name of its manufacturer;
- (iv) its location;
- (v) the purpose for which it is used; and
- (vi) any other information the Commissioner requires.

(c) *Emergency circumstances.* — Under emergency circumstances, an owner or lessee may register an elevator unit with the Commissioner with less than 60 days' notice in accordance with regulations adopted under Part II of this subtitle.

(d) *Reregistration.* — After an elevator unit is placed in service and a certificate issued pursuant to § 12-811(a) of this subtitle, the owner or lessee shall reregister the elevator unit with the Commissioner 30 days prior to the expiration of the certificate. (An. Code 1957, art. 89, § 49B(c); 2003, ch. 5, § 2; 2006, ch. 39.)

§ 12-809. Inspections generally.

(a) *In general.* — A State inspector shall make the following inspections:

(1) final acceptance inspection of all new elevator units prior to issuance of first certificate;

(2) investigation of accidents and complaints;

(3) follow-up inspections to confirm corrective action;

(4) final acceptance inspection of the modernization or alteration of an elevator unit;

(5) for privately owned buildings and until October 1, 2019, for publicly owned buildings, when the inspection shall be performed by a third-party

qualified elevator inspector, a comprehensive 5-year inspection as defined by regulation;

(6) except as provided by § 12-807(b) of this subtitle, inspections of elevator units owned by the State or a political subdivision; and

(7) quality control monitoring of inspections conducted by third-party qualified elevator inspectors.

(b) *Notice and scheduling of inspections.* — (1) A contractor, owner, or lessee shall provide the Commissioner with at least 60 days' notice of a requested inspection.

(2) If a contractor, owner, or lessee provides the Commissioner with less than 60 days' notice of a requested inspection that will be conducted by a State inspector, the Commissioner shall schedule the inspection at the convenience of the State subject to the availability of State resources.

(c) *Fees.* — (1) For all inspections conducted by a State inspector, the contractor, owner, or lessee of an elevator unit shall pay a fee for an inspection under § 12-810 of this subtitle at the following rate:

(i) half day (up to 4 hours), not to exceed \$250; or

(ii) full day (up to 8 hours), not to exceed \$500.

(2) Each fee collected under this subsection shall be paid into the Elevator Safety Review Board Fund established under this subtitle.

(3) A contractor, owner, or lessee who notifies the Commissioner at least 24 hours in advance of a scheduled inspection that the elevator unit does not comply with the requirements of Part II of this subtitle may not be charged a fee under paragraph (1) of this subsection.

(d) *Third-party qualified elevator inspector to conduct all periodic annual inspections; requirements; fees.* — (1) An owner shall hire a third-party qualified elevator inspector to conduct all periodic inspections that are required by the Safety Code.

(2) An inspection by a third-party qualified elevator inspector shall ensure that the elevator unit complies with the Safety Code and other regulations adopted by the Commissioner under Part II of this subtitle.

(3) The Commissioner shall establish qualifications, insurance requirements, and procedures based on nationally accepted standards that the Commissioner considers necessary to register third-party qualified elevator inspectors under Part II of this subtitle.

(4) Any fees collected by the Commissioner to register third-party qualified elevator inspectors shall be paid into the Elevator Safety Review Board Fund established under this subtitle. (An. Code 1957, art. 89, § 49B(i)(6)-(8), (m); 2003, ch. 5, § 2; ch. 17; 2006, ch. 39; 2007, ch. 408; 2008, ch. 484; 2009, ch. 145; 2014, ch. 155; 2018, ch. 337.)

Effect of amendments. — Chapter 337, substituted “§ 12-810” for “§ 12-810(d) or Acts 2018, effective October 1, 2018, rewrote § 12-812(d)(3).” (a)(5); and in the introductory language of (c)

§ 12-810. Final acceptance inspection.

The Commissioner shall conduct a final acceptance inspection on completion of the installation, modification, or alteration of an elevator unit before it is

placed in service. (An. Code 1957, art. 89, § 49B(b)(11), (12), (i)(2); 2003, ch. 5, § 2; 2006, ch. 39; 2007, ch. 5, § 7; ch. 408; 2018, ch. 337.)

Effect of amendments. — Chapter 337, Acts 2018, effective October 1, 2018, deleted the (a) designation and deleted (b) through (d).

§ 12-811. Issuance of certificate; posting; scope.

(a) *Issuance of certificate.* — If an inspection discloses that an elevator unit complies with the Safety Code and other regulations adopted by the Commissioner, the Commissioner shall issue a certificate to the owner or lessee of the elevator unit.

(b) *Posting.* — The certificate shall be posted conspicuously in or on the elevator unit.

(c) *Scope of certificate.* — While a certificate is in effect, it authorizes the holder to operate the elevator unit in a building, structure, or place of employment in the State. (An. Code 1957, art. 89, § 49B(a), (i)(1); 2003, ch. 5, § 2.)

§ 12-812. Term of certificate; periodic inspection.

(a) *Term of certificate.* — A certificate is valid for the period indicated on the certificate.

(b) *Periodic inspection.* — (1) Except as provided in paragraph (2) of this subsection, each elevator unit in the State shall have a periodic annual inspection by a State inspector as provided for in § 12-809(a)(6) of this subtitle or by a third-party qualified elevator inspector as provided for in § 12-809(d) of this subtitle.

(2) Each cliffside elevator on the property of a privately owned single-family residential dwelling shall have a periodic inspection once every 2 years by a third-party qualified elevator inspector as provided for in § 12-809(d) of this subtitle.

(c) *Duties of contractor, owner, or lessee.* — Before scheduling an inspection with the Commissioner or a third-party qualified elevator inspector, the contractor, owner, or lessee of an elevator unit shall:

(1) ensure that the elevator unit is operated, inspected, and repaired in accordance with Part II of this subtitle and the regulations adopted under Part II of this subtitle; and

(2) make inspection, maintenance, and repair records available to the inspector charged with inspecting the elevator unit.

(d) *Failure; corrections required.* — (1) When an inspector conducts an inspection and the elevator unit fails the inspection, the inspector shall issue an inspection checklist that specifies the corrections required.

(2) The inspection checklist shall be on a form provided by the Commissioner and shall specify the requirements for compliance with the Safety Code and other regulations adopted by the Commissioner.

(3) If a State inspector conducts a follow-up inspection to ensure compliance with the corrections specified on the inspection checklist, the contractor,

owner, or lessee shall pay a fee in accordance with § 12-809 of this subtitle. (An. Code 1957, art. 89, § 49B(b)(12), (13), (i)(1), (4); 2003, ch. 5, § 2; 2006, ch. 39; 2007, ch. 408; 2009, ch. 145; 2014, ch. 155; 2018, ch. 337; 2019, ch. 8.)

Effect of amendments. — Chapter 337, Acts 2018, effective October 1, 2018, reenacted (b) and (c) without change.

Maryland Constitution without the Governor's signature, added the second instance of "elevator" in (b)(2).

Chapter 8, Acts 2019, effective March 27, 2019, enacted pursuant to art. II, § 17(b) of the

§ 12-813. Cancellation of inspection; maintenance of records; filing with Commissioner.

(a) *Cancellation of inspection.* — If a State inspector cancels a final acceptance inspection under § 12-810 of this subtitle or if a follow-up inspection is required under § 12-812 of this subtitle, the contractor, owner, or lessee of the elevator unit shall:

(1) reschedule the inspection with the State inspector; and

(2) ensure that the elevator unit complies with the requirements of Part II of this subtitle, including correcting as necessary any safety hazards or violations of the Safety Code, on the designated date.

(b) *Maintenance of records.* — A contractor, owner, or lessee shall maintain a copy of any inspection, maintenance, and repair records at a central location in a manner consistent with regulations adopted under Part II of this subtitle.

(c) *Periodic filing of records.* — A contractor, owner, or lessee of an elevator unit shall file with the Commissioner the following records at time intervals set by regulation:

(1) records of all test reports and inspection reports as defined by regulation; and

(2) records of all incidents or serious injuries as defined by regulation.

(d) *Electronic filing.* — All records submitted to the Commissioner electronically shall be in a format and method defined by regulation. (An. Code 1957, art. 89, § 49B(i)(3), (5); 2003, ch. 5, § 2; 2006, ch. 39; 2007, ch. 408.)

§ 12-814. Inspection discloses unsafe conditions.

(a) *Citation.* — When an inspection by a State inspector discloses that an elevator unit is in unsafe condition so that its continued operation will violate the Safety Code, or any other regulation adopted by the Commissioner under Part II of this subtitle, a citation may be issued and penalties may be assessed in accordance with §§ 12-814.2 and 12-814.3 of this subtitle.

(b) *Notification.* — (1) When an inspection by a third-party qualified elevator inspector discloses that an elevator unit is in unsafe condition so that its continued operation will violate the Safety Code, or any other regulation adopted by the Commissioner under Part II of this subtitle, the third-party qualified elevator inspector shall notify the Commissioner immediately.

(2) On notification, the Commissioner shall conduct an inspection of the unsafe condition to determine whether to issue a citation and assess penalties in accordance with §§ 12-814.2 and 12-814.3 of this subtitle. (An. Code 1957, art. 89, § 49B(f), (h); 2003, ch. 5, § 2; 2006, ch. 39; 2007, ch. 408; 2009, ch. 145.)

§ 12-814.1. Prohibition against use of unsafe elevator.

(a) *In general.* — The Commissioner may prohibit use of an elevator unit after determining, based on an inspection, that:

(1) the elevator unit violates § 12-806 of this subtitle; or

(2) there is a substantial probability that death or serious physical harm could result from continued use of the elevator unit.

(b) *Written notice.* — The Commissioner shall issue a written notice prohibiting use of the elevator unit to the contractor, owner, lessee, or agent in charge of the elevator unit.

(c) *Posting copy of notice to elevator unit.* — A copy of the notice:

(1) shall be attached to the elevator unit; and

(2) may not be removed until a State inspector determines that the elevator unit complies with this subtitle.

(d) *Use prohibited while notice posted.* — Use of the elevator unit is prohibited while a notice is posted on the elevator unit.

(e) *Action to modify or vacate decision.* — A person aggrieved by the decision to prohibit use of an elevator unit may bring an action to modify or vacate the decision on the ground that it is unlawful or unreasonable.

(f) *Venue.* — An action under this section shall be brought in the circuit court for the county where the elevator unit is located.

(g) *Proceedings.* — In a proceeding under this section, a court may not stay an order of the Commissioner unless:

(1) the court gives the Commissioner notice and an opportunity for a hearing; and

(2) the aggrieved person posts security or meets any other condition that the court considers proper. (2006, ch. 39; 2009, ch. 145.)

§ 12-814.2. Citations.

(a) *In general.* — Subject to subsection (k) of this section, if, after an inspection or investigation, the Commissioner determines that, within the immediately preceding 6 months, an elevator unit is in violation of the Safety Code or another regulation adopted by the Commissioner under Part II of this subtitle, the Commissioner shall issue a citation to the owner.

(b) *Form and contents of citation.* — Each citation under this section shall:

(1) be in writing;

(2) describe, with particularity, the nature of the alleged violation;

(3) reference the provision of the Safety Code or regulation that is alleged to be in violation; and

(4) set a reasonable period of time for abatement and correction of the alleged violation.

(c) *Posting.* — An owner who is issued a citation shall post the citation or a copy of the citation conspicuously at or near the elevator unit alleged to be in violation.

(d) *Notice to owner.* — Within a reasonable time after issuance of a citation, the Commissioner shall send by certified mail to the owner:

(1) notice of the violation with a copy of the citation and proposed penalty; and

(2) notice of the opportunity to request a hearing.

(e) *Request for hearing.* — Within 15 days after an owner receives a notice under subsection (d) of this section, the owner may submit a written request for a hearing on the citation and proposed penalty.

(f) *When citation becomes final order.* — If a hearing is not requested within 15 days, the citation, including any penalties, shall become a final order of the Commissioner.

(g) *Hearings.* — If the owner requests a hearing, the Commissioner may delegate to the Office of Administrative Hearings the authority to hold a hearing and issue proposed findings of fact, conclusions of law, and an order in accordance with Title 10, Subtitle 2 of the State Government Article.

(h) *Final order of administrative law judge.* — A decision of an administrative law judge issued in accordance with Title 10, Subtitle 2 of the State Government Article shall become a final order of the Commissioner unless, within 15 days after the issuance of the proposed decision:

(1) the Commissioner orders a review of the proposed decision; or

(2) an owner submits to the Commissioner a written request for a review of the proposed decision.

(i) *Commissioner to issue order based on decision.* — After review of the proposed order under subsection (h) of this section, whether or not a hearing on the record is held, the Commissioner shall issue an order that, on the basis of findings of fact and conclusions of law, affirms, modifies, or vacates the proposed decision.

(j) *Commissioner's order is final order.* — An order of the Commissioner under subsection (i) of this section is the final administrative order.

(k) *Regulations.* — The Commissioner may establish, by regulation, procedures for the issuance of a warning notice instead of a citation for a de minimus violation that has no direct or immediate relationship to health or safety. (2009, ch. 145.)

§ 12-814.3. Penalties.

(a) *In general.* — If, after investigation, the Commissioner determines that an owner violated the Safety Code or a regulation adopted by the Commissioner under Part II of this subtitle, the Commissioner may assess and collect a civil penalty of up to \$5,000 for each elevator unit in violation of the Safety Code or regulations.

(b) *Amount of penalty.* — In determining the amount of the penalty, the Commissioner shall consider:

(1) the gravity of the violation;

(2) the owner's good faith; and

(3) the owner's history of violations under this subtitle.

(c) *Double penalties.* — If, after investigation, the Commissioner determines that an owner willfully or repeatedly violated the Safety Code or a regulation adopted by the Commissioner under Part II of this subtitle, the Commissioner may assess and collect double the administrative penalties set forth in subsection (a) of this section.

(d) *Continuing violations.* — If, after the issuance of a final order affirming a violation of the Safety Code or a regulation adopted by the Commissioner under Part II of this subtitle, an owner fails to correct the violation within 10 days, the Commissioner may impose a civil penalty, not exceeding \$1,000 for each day a violation continues, against the owner.

(e) *Payment of penalty into General Fund.* — Each civil penalty shall be paid into the General Fund of the State. (2009, ch. 145.)

§ 12-815. Warning signs in case of fire.

(a) *In general.* — Each passenger elevator in a permanent installation used by the public shall have a sign that reads “Warning — Elevators shall not be used in event of fire — Use marked exit stairways”.

(b) *Location of sign — In general.* — The sign described in subsection (a) of this section shall be posted:

- (1) at the entrance to the elevator shaft on each floor; and
- (2) directly above the call button.

(c) *Location of sign — In elevator car.* — A sign similar to the sign described in subsection (a) of this section shall be posted within the elevator car.

(d) *Requirements for signs.* — (1) The top of each sign may not be more than 6 feet above the floor.

(2) The lettering in the word “warning” shall be at least three-eighths inch high and the rest of the lettering shall be at least one-fourth inch high. (An. Code 1957, art. 89, § 49B(p); 2003, ch. 5, § 2.)

§ 12-816. Elevator in new building to accommodate rescue litter.

(a) *Scope of section.* — This subsection does not apply to:

- (1) one or two family dwellings; or
- (2) buildings under three stories.

(b) *Required.* — Each new building constructed after July 1, 1985, in which at least one elevator is planned, shall have a passenger elevator that can accommodate a horizontally carried and positioned 6 foot 8 inch rescue litter.

(c) *Effect of specified changes.* — (1) In this section, “repair” has the meaning stated in the Safety Code.

(2) For purposes of this section, repair, renovation, modification, reconstruction, change of occupancy, or addition to an existing building as defined in Subtitle 10 of this title does not constitute a new building. (An. Code 1957, art. 89, § 49B(b)(14), (q); 2003, ch. 5, § 2.)

§§ 12-817, 12-818.

Reserved.

Part III. Elevator Safety Review Board.

§ 12-819. Established.

There is an Elevator Safety Review Board in the Maryland Department of Labor. (An. Code 1957, art. 89, § 49C(b)(1); 2003, ch. 5, § 2; 2019, ch. 91, § 7.)

Editor's note. — Section 7, ch. 91, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and termi-

nology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.” Pursuant to § 7, ch. 91, Acts 2019, “Maryland Department of Labor” was substituted for “Department of Labor, Licensing, and Regulation.”

§ 12-820. Membership.

(a) *Composition; appointment of members.* — (1) The Board consists of the following ten members:

(i) as an ex officio member, the Commissioner; and

(ii) nine members appointed by the Governor with the advice of the Secretary and with the advice and consent of the Senate.

(2) Of the nine appointed members of the Board:

(i) one shall represent a major elevator manufacturing company or its authorized representative;

(ii) one shall represent an elevator servicing company;

(iii) one shall represent the architectural design profession;

(iv) one shall represent a municipal corporation in the State;

(v) one shall represent a building owner or manager;

(vi) one shall represent labor involved in the installation, maintenance, and repair of elevators;

(vii) One shall represent the elevator interior renovation industry; and

(viii) two shall be members of the public.

(b) *Tenure; vacancies.* — (1) The term of an appointed member is 3 years.

(2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(c) *Resignation for nonattendance; waiver; appointment of successor.* —

(1) Except as provided in paragraph (2) of this subsection and subject to paragraph (3) of this subsection, a member shall be considered to have resigned who has been appointed to the Board by the Governor if the member did not attend at least two-thirds of the Board meetings held during any consecutive 12-month period while the member was serving on the Board.

(2) The Governor may waive a member's resignation and allow the member to continue serving if the member has been unable to attend meetings for reasons satisfactory to the Governor and the reasons are made public.

(3) In accordance with § 8-501 of the State Government Article, the chairman shall provide notice to the Governor and the Governor shall appoint a successor. (An. Code 1957, art. 89, § 49C(c); 2003, ch. 5, § 2; 2012, chs. 454, 455; 2014, ch. 588, § 2.)

§ 12-821. Chairman.

(a) *In general.* — The Governor shall appoint a chairman from among the members of the Board.

(b) *Tie vote.* — The chairman shall be the deciding vote if there is a tie vote by the Board. (An. Code 1957, art. 89, § 49C(d); 2003, ch. 5, § 2.)

§ 12-822. Meetings; compensation.

(a) *Meetings.* — (1) The Board shall meet at least once each calendar quarter, at the times and places that it determines.

(2) The Board may hold special meetings as provided in its regulations.

(b) *Compensation and reimbursement for expenses.* — A member of the Board:

(1) may not receive compensation as a member of the Board; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget. (An. Code 1957, art. 89, § 49C(e), (f); 2003, ch. 5, § 2.)

§ 12-822.1. Certification of licensing status.

(a) *In general.* — On request of any person and payment of a fee set by the Board, the Board shall certify the licensing status of any person who is the subject of the request.

(b) *Contents.* — Each certification under this section:

(1) shall include a statement of the licensing status of the person who is the subject of the request; and

(2) may include:

(i) information about the examination results and other qualifications of that person;

(ii) information about the dates of issuance and renewal of the license of that person;

(iii) information about any disciplinary action taken against that person; and

(iv) if authorized by that person, information about any complaint against that person.

(c) *Fee.* — The Board shall collect a fee set by the Board for each certification under this section. (2012, ch. 49.)

§ 12-823. Miscellaneous powers.

In addition to any powers set forth elsewhere, the Board may:

(1) consult with engineering authorities and organizations concerned with standard safety codes about:

(i) regulations governing the operation, maintenance, servicing, construction, alteration, installation, and inspection of elevator units; and

(ii) qualifications that are adequate, reasonable, and necessary for elevator mechanics and elevator contractors;

- (2) recommend applicable legislation;
- (3) adopt bylaws for the conduct of its proceedings; and
- (4) adopt regulations to carry out Part III of this subtitle. (An. Code 1957, art. 89, § 49C(g)(1), (2), (4); 2003, ch. 5, § 2.)

Editor's note. — Section 2, chs. 57 and 58, Acts 2017, provides that:

“(a) On or before October 1, 2018, the Elevator Safety Review Board shall submit a report to the Department of Legislative Services and, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on:

“(1) the results of the Board’s assessment of licensing activity and its projected revenues and expenditures; and

“(2) how the Board plans to ensure that it has sufficient funding to continue operating.

“(b) The report shall include discussion on options related to:

“(1) reducing spending;

“(2) increasing the license fees charged by the Board to the maximum allowed under § 12-824(b) of the Public Safety Article;

“(3) increasing the maximum license fees authorized under § 12-824(b) of the Public Safety Article;

“(4) the feasibility of increasing the inspection and registration fees collected under § 12-809(c) and (d) of the Public Safety Article that support the Elevator Safety Review Board Fund; and

“(5) modifying the reversion requirement in § 12-824.1(j) of the Public Safety Article to allow the Board to retain a greater percentage of the Elevator Safety Review Board Fund balance annually.”

§ 12-824. Establishment of fees.

(a) *In general.* — The Board shall establish fees for the application, issuance, and renewal of licenses issued under Part III of this subtitle.

(b) *Maximum fees.* — The total amount of fees established under subsection (a) of this section may not exceed, for the 2-year term of the license:

(1) \$100 per year for an elevator mechanic, elevator renovator mechanic, or accessibility lift mechanic; and

(2) \$150 per year for an elevator contractor or elevator renovator contractor.

(c) *Payment of fee into Fund.* — Each fee for the application, issuance, and renewal of licenses collected by the Board shall be paid into the Elevator Safety Review Board Fund established under this subtitle. (An. Code 1957, art. 89, § 49C(g)(3); 2003, ch. 5, § 2; ch. 254, § 2; 2008, ch. 484; 2012, chs. 306, 307.)

§ 12-824.1. Elevator Safety Review Board Fund.

(a) *“Fund” defined.* — In this section, “Fund” means the Elevator Safety Review Board Fund.

(b) *Established.* — There is an Elevator Safety Review Board Fund.

(c) *Purpose.* — The purpose of the Fund is to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board.

(d) *Administration.* — The Commissioner shall administer the Fund.

(e) *Status.* — (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(f) *Nature.* — The Fund consists of:

(1) revenue distributed to the Fund under this subtitle;

- (2) money appropriated in the State budget to the Fund;
- (3) investment earnings of the Fund; and
- (4) any other money from any other source accepted for the benefit of the Fund.

(g) *Uses.* — The Fund may be used only to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Board.

(h) *Investment.* — (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into the Fund.

(i) *Expenditures.* — Expenditures from the Fund may be made only in accordance with the State budget.

(j) *Excess balance.* — Any balance in the Fund at the end of June 30 of each fiscal year in excess of 10% of the actual expenses of operating the Elevator Safety Review Board shall revert to the General Fund of the State.

(k) *Audit.* — The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article. (2008, ch. 484; 2019, ch. 6, § 1.)

Effect of amendments. — Section 1, ch. 6, Acts 2019, effective June 1, 2019, enacted pursuant to art. II, § 17(b) of the Maryland Constitution without the Governor's signature, repealed (1).

§ 12-825. Authority of Secretary.

The Board exercises its powers, duties, and functions subject to the authority of the Secretary. (An. Code 1957, art. 89, § 49C(b)(2); 2003, ch. 5, § 2.)

§ 12-826. License required; exceptions.

(a) *Elevator mechanic.* — Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator mechanic before the person erects, constructs, wires, alters, replaces, maintains, repairs, dismantles, or services elevator units in the State.

(b) *Elevator contractor.* — Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator contractor before the person engages in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator units in the State.

(c) *Elevator renovator contractor.* — (1) Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator renovator contractor before the person engages in the business of elevator renovating.

(2) By June 1, 2004, a person who engages in the business of elevator renovating for a business incorporated before January 1, 2002, shall be licensed by the Board as an elevator renovator contractor before the person engages in the business of elevator renovating.

(d) *Elevator renovator mechanic.* — Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an elevator renovator mechanic before the person performs elevator renovator work.

(e) *Accessibility lift mechanic.* — Except as otherwise provided in Part III of this subtitle, a person shall be licensed by the Board as an accessibility lift mechanic before the person erects, constructs, wires, alters, replaces, maintains, repairs, dismantles, or services commercial stairway chairlifts, vertical platform lifts, or incline platform lifts in the State.

(f) *Exceptions.* — (1) A licensed elevator contractor is not required for removing or dismantling an elevator unit if:

(i) the elevator unit is destroyed as a result of a complete demolition of a building; or

(ii) a hoistway or wellway is demolished back to the basic support structure.

(2) (i) An individual who works as an elevator apprentice under the direct supervision of a licensed elevator mechanic or licensed elevator renovator mechanic need not obtain a license.

(ii) An individual commonly known as an elevator helper who works under the direct supervision of a licensed elevator mechanic or a licensed elevator renovator mechanic need not obtain a license.

(3) An elevator refinisher need not obtain a license.

(4) A crane mechanic performing work on elevators or lifts located on a port facility owned, leased, or operated by the Maryland Port Administration need not obtain a license.

(5) A person installing a residential stairway chairlift need not obtain a license.

(6) A person who is licensed under this subtitle as an elevator mechanic need not obtain a license to provide the services described in subsection (e) of this section.

(g) *Regulations related to certification of accessibility lift mechanics; accessibility lift mechanics working prior to adoption.* — (1) The Board shall adopt regulations, including education and experience requirements, to certify accessibility lift mechanic specialists to erect, construct, wire, alter, replace, maintain, repair, dismantle, or service private residential elevators.

(2) Until the Board adopts regulations to certify accessibility lift mechanic specialists to perform work on private residential elevators, an accessibility lift mechanic may provide the services described in paragraph (1) of this subsection.

(3) A candidate actively completing the certification requirements adopted by the Board under paragraph (1) of this subsection may continue to perform that work without certification for up to 4 years after the effective date of the regulations. (An. Code 1957, art. 89, § 49C(a)(3), (h); 2003, ch. 5, § 2; ch. 254, § 2; 2012, chs. 306, 307.)

§ 12-827. Qualifications of applicants.

(a) *Elevator mechanic.* — An applicant for an elevator mechanic license shall:

(1) (i) have an acceptable combination of documented experience and education credits, with at least 3 years of recent and active work experience in

the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers; and

(ii) pass a written examination administered by the Board on the Safety Code;

(2) (i) have completed at least 3 years of recent and active work experience in the elevator industry, in construction, maintenance, and service or repair, as verified by current and previous employers; and

(ii) have a certificate of completion of the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or

(3) have a certificate of completion of an apprenticeship program for elevator mechanics that has standards substantially equivalent to those of Part III of this subtitle and is registered with the Office of Apprenticeship of the U.S. Department of Labor or a state apprenticeship council.

(b) *Elevator contractor license.* — An applicant for an elevator contractor license shall have at least 5 years of work experience in the elevator industry in construction, maintenance, service, or repair.

(c) *Regulations.* — The Board shall adopt regulations governing:

(1) the qualifications of an applicant for an elevator renovator contractor license and an applicant for an elevator renovator mechanic license; and

(2) the scope of practice of a licensed elevator renovator contractor and a licensed elevator renovator mechanic.

(d) *Accessibility lift mechanic.* — (1) An applicant for an accessibility lift mechanic license shall:

(i) 1. have an acceptable combination of documented experience and education credits, with at least 3 years of recent and active experience in the accessibility lift industry, in construction, maintenance, and service or repair, as verified by current and previous employers; and

2. pass a written examination administered by the Board on the Safety Code;

(ii) 1. have an acceptable combination of documented experience and education credits, with at least 3 years of recent and active experience in the accessibility lift industry, in construction, maintenance, and service or repair, as verified by current and previous employers; and

2. have a certificate from an organization providing an education program for the accessibility industry, such as the Certified Accessibility Technician Program or an equivalent program; or

(iii) have a certificate of completion of an apprenticeship program for accessibility mechanics that has standards substantially equivalent to those of Part III of this subtitle and is registered with the Office of Apprenticeship of the U.S. Department of Labor or a state apprenticeship council.

(2) The Board may issue a conditional license under this subsection that is effective until January 1, 2017, to a candidate actively completing the educational requirements described in paragraph (1)(ii)2 of this subsection. (An. Code 1957, art. 89, § 49C(i)(1), (3); 2003, ch. 5, § 2; ch. 254, § 2; 2012, chs. 306, 307; 2015, ch. 120.)

§ 12-828. Applications for licenses.

- (a) *In general.* — (1) An applicant for a license shall:
- (i) submit to the Board an application on the form that the Board provides;
 - (ii) submit to the Board any proof of eligibility that the Board requires; and
 - (iii) pay to the Board or designee of the Board an application fee set by the Board.
- (2) The application fee is nonrefundable.
- (b) *Required information.* — Each application shall contain the following information:
- (1) if the applicant is an individual, the name, residence, and business address of the applicant;
 - (2) if the applicant is a partnership, the name, residence, and business address of each general partner;
 - (3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;
 - (4) if the applicant is a corporation other than a domestic corporation, the name and address of the resident agent;
 - (5) the number of years the applicant has engaged in the business of installing, altering, repairing, renovating, or servicing elevators;
 - (6) the approximate number of individuals, if any, to be employed by an applicant that is an elevator contractor or elevator renovator contractor and, if applicable, evidence satisfactory to the Board that the employees are or will be covered by workers' compensation insurance;
 - (7) evidence satisfactory to the Board that the applicant is or will be covered by general liability, personal injury, and property damage insurance; and
 - (8) any other information that the Board requires. (An. Code 1957, art. 89, § 49C(j); 2003, ch. 5, § 2; ch. 254, § 2.)

§ 12-829. Examinations.

- (a) *Right to examination.* — An applicant who otherwise qualifies for an elevator mechanic license is entitled to be examined as provided in this section on payment of an examination fee to the Board or designee of the Board.
- (b) *Time and place of examination.* — The Board periodically shall give examinations to applicants at the times and places that the Board determines.
- (c) *Notice of examination.* — The Board shall give each qualified applicant notice of the time and place of examination.
- (d) *Fee, subjects, and methods of examination.* — The Board shall determine the fee, content, scope, and passing score for examinations given under this section.
- (e) *Use of testing service.* — (1) The Board may use a testing service to administer the examinations required under this section.
- (2) If the Board uses a testing service under this section, the testing service, subject to requirements set by the Board, may:

- (i) set the times and places of the examinations;
- (ii) provide notice of the times and places of examinations to the applicants; and
- (iii) provide any other information that the Board may require the testing service to provide.

(f) *Notice of examination results.* — The Board or designee of the Board shall provide to the applicant notice of the examination result of the applicant. (An. Code 1957, art. 89, § 49C(k); 2003, ch. 5, § 2.)

§ 12-830. Reciprocal waiver of examination requirements.

(a) *In general.* — Subject to the limitations of this section, the Board may waive the examination requirements of Part III of this subtitle for an individual who is licensed to perform elevator installation, alteration, repair, or service work in another state or a subdivision of another state.

(b) *Conditions.* — The Board may grant a waiver under this section only if the applicant:

(1) pays to the Board the appropriate application fee required by Part III of this subtitle; and

(2) provides adequate evidence that the applicant:

(i) meets the qualifications otherwise required by Part III of this subtitle;

(ii) holds an active license in good standing in the other state or subdivision that is equivalent to a license in this State; and

(iii) became licensed in the other state or subdivision after passing an examination that is similar to the examination for which the applicant is seeking the waiver.

(c) *Reciprocity.* — The Board may grant a waiver only if the state or subdivision in which the applicant is licensed waives the examination of licensees of this State to a similar extent as this State waives the examination requirements for individuals licensed in that state or subdivision. (An. Code 1957, art. 89, § 49C(1); 2003, ch. 5, § 2.)

§ 12-831. Issuance of license.

(a) *Notice of qualification.* — If an applicant qualifies for a license under Part III of this subtitle, the Board shall send the applicant a notice that states:

(1) the applicant has qualified for a license; and

(2) on receipt of a license fee set by the Board, the Board shall issue a license to the applicant.

(b) *Issuance.* — On payment of the license fee, the Board shall issue a license to each applicant who meets the requirements of Part III of this subtitle. (An. Code 1957, art. 89, § 49C(m); 2003, ch. 5, § 2; ch. 254, § 2.)

§ 12-832. Scope of license.

(a) *Elevator mechanic license.* — While an elevator mechanic license is in effect, it authorizes the licensee to erect, construct, wire, alter, replace,

maintain, repair, dismantle, or service elevator units under the direct supervision of a licensed elevator contractor.

(b) *Elevator contractor license.* — While an elevator contractor license is in effect, it authorizes the licensee to engage in the business of erecting, constructing, wiring, altering, replacing, maintaining, repairing, dismantling, or servicing elevator units.

(c) *Elevator renovator contractor license.* — While an elevator renovator contractor license is in effect, it authorizes the licensee to engage in the business of performing work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator's wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator's moving operation.

(d) *Elevator renovator mechanic license.* — While an elevator renovator mechanic license is in effect, it authorizes the licensee to perform work:

(1) on the interior of an elevator involving the removal or installation of the nonstructural surface of the elevator's wall, ceiling, floor, rail, or handle; and

(2) that does not affect the elevator's moving operation.

(e) *Accessibility lift mechanic license.* — While an accessibility lift mechanic license is in effect, the license authorizes the licensee to erect, construct, wire, alter, replace, maintain, repair, dismantle, and service commercial stairway chairlifts, vertical platform lifts, or incline platform lifts under the direct supervision of a licensed elevator contractor. (An. Code 1957, art. 89, § 49C(n); 2003, ch. 5, § 2; ch. 254, § 2; 2012, chs. 306, 307.)

§ 12-833. Term and renewal of license.

(a) *Term of license.* — (1) Subject to paragraph (2) of this subsection, unless a license is renewed for a 2-year term as provided in this section, the license expires on the second anniversary of its effective date.

(2) The Secretary may determine that licenses issued under Part III of this subtitle shall expire on a staggered basis.

(b) *Renewal notice.* — (1) At least 1 month before a license expires, the Board shall mail or electronically transmit to the licensee:

(i) a renewal application form; and

(ii) a notice that states:

1. the date on which the current license expires; and
2. the amount of the renewal fee.

(2) If an electronic transmission under paragraph (1) of this subsection is returned to the Board as undeliverable, the Board shall mail to the licensee, at the last known address of the licensee, the materials required under paragraph (1) of this subsection within 10 business days of the date the Board received the notice that the electronic transmission was undeliverable.

(c) *Applications for renewal.* — Before the license expires, the licensee periodically may renew the license for an additional 2-year term if the licensee:

(1) otherwise is entitled to be licensed;

- (2) pays the renewal fee to the Board; and
- (3) submits to the Board a renewal application on the form that the Board provides.

(d) *Continuing professional competency.* — The Board shall adopt regulations to:

- (1) require a demonstration of continuing professional competency for a licensee as a condition of renewal of a license under this section;
- (2) establish criteria for continuing education providers;
- (3) provide for a temporary waiver of continuing education under specified circumstances; and
- (4) set record keeping criteria for approved continuing education providers.

(e) *Issuance of renewal.* — The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section. (An. Code 1957, art. 89, § 49C(o); 2003, ch. 5, § 2; 2017, chs. 246, 247.)

Effect of amendments. — Chapters 246 and 247, Acts 2017, effective October 1, 2017, made identical changes. Each added the (b)(1) designation and (b)(2), deleted former (b)(2)(ii), and redesignated accordingly; in the introductory language of (b)(1) added “or electronically transmit” and deleted “at the last known address of the licensee” at the end; and made a related change.

Editor’s note. — Section 2, chs. 246 and 247, Acts 2017, provides that:

“(a) Before an occupational and professional licensing board, commission, or other regulatory entity may electronically transmit a communication as authorized under Section 1 of this Act, the board, commission, or entity shall:

“(1) mail a notice informing the licensee, registrant, or permit holder that the board,

commission, or entity will switch from a system of physical mail to a system of electronic transmission; and

“(2) inquire whether the e-mail address that the board, commission, or entity has on file is a current and valid e-mail address for the licensee, registrant, or permit holder.

“(b) If a licensee, registrant, or permit holder does not respond within 30 days after the board, commission, or entity mails the notice required under subsection (a) of this section, the board, commission, or entity may assume that the e-mail address is current and valid and may electronically transmit communications as authorized under Section 1 of this Act.”

§ 12-833.1. Reinstatement of license.

(a) *In general.* — The Board shall reinstate the license of a person that, for any reason, has failed to renew the license if the person:

- (1) applies to the Board for reinstatement within 2 years after the license expires;
- (2) meets the renewal requirements of § 12-833 of this subtitle; and
- (3) pays to the Board a reinstatement fee in an amount, not exceeding \$100, set by the Board.

(b) *Requirements.* — (1) If a person has failed to renew a license under § 12-833 of this subtitle for any reason and then applies to the Board for reinstatement more than 2 years after the license has expired, the Board:

- (i) may require the person to reapply for a license in the same manner as an applicant applies for an original license under this subtitle; or
- (ii) subject to paragraph (2) of this subsection, may reinstate the license.

(2) The Board may reinstate a license under paragraph (1)(ii) of this subsection only if the person:

- (i) meets the renewal requirements of § 12-833 of this subtitle;
- (ii) if required by the Board, states reasons why reinstatement should be granted; and
- (iii) pays to the Board a reinstatement fee in an amount, not exceeding \$100, set by the Board. (2012, ch. 49.)

§ 12-834. Temporary elevator mechanic licenses.

(a) *Notice of shortage of licensed personnel.* — A licensed elevator contractor shall notify the Board if there are no licensed elevator mechanics available to perform elevator work.

(b) *Request for issuance of temporary licenses.* — The licensed elevator contractor may request that the Board issue temporary elevator mechanic licenses to individuals certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision.

(c) *Application for license; fee.* — An individual certified by a licensed elevator contractor as qualified under subsection (b) of this section shall:

- (1) immediately seek a temporary elevator mechanic license from the Board; and
- (2) pay the fee that the Board determines.

(d) *Term of license.* — A temporary elevator mechanic license is valid for 30 days while the licensee is employed by the licensed elevator contractor that certified the licensee as qualified under subsection (b) of this section.

(e) *Renewal of license.* — A temporary elevator mechanic license may be renewed as long as the shortage of licensed elevator mechanics continues. (An. Code 1957, art. 89, § 49C(q); 2003, ch. 5, § 2.)

§ 12-835. Emergency elevator mechanic licenses.

(a) *Response during emergency.* — A licensed elevator contractor shall respond as necessary to ensure public safety if:

- (1) an emergency exists in the State because of disaster, act of God, or work stoppage; and
- (2) the number of licensed elevator mechanics in the State is insufficient to cope with the emergency.

(b) *Certified individuals to seek license.* — Within 5 business days after beginning work that requires an elevator mechanic license, an individual certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic license from the Board.

(c) *Proof of competency.* — The licensed elevator contractor shall provide proof of competency as the Board may require for an individual certified by the licensed elevator contractor under subsection (b) of this section.

(d) *Issuance of licenses.* — The Board shall issue emergency elevator mechanic licenses.

(e) *Scope of license.* — An emergency elevator mechanic license entitles the licensee to the rights and privileges of an elevator mechanic license issued under Part III of this subtitle.

(f) *Term of license.* — An emergency elevator mechanic license is valid for 30 days for particular elevator units or geographical areas as the Board designates.

(g) *Renewal of license.* — The Board shall renew an emergency elevator mechanic license during the existence of an emergency.

(h) *Fee.* — The Board may not charge a fee for the issuance or renewal of an emergency elevator mechanic license. (An. Code 1957, art. 89, § 49C(p); 2003, ch. 5, § 2.)

§ 12-836. Insurance requirements.

(a) *In general.* — An elevator contractor may not engage in the business of elevator installation, alteration, repair, or service work unless the work of the elevator contractor is covered by:

- (1) general liability insurance in the amount of at least \$1,000,000; and
- (2) property damage insurance in the amount of at least \$500,000.

(b) *Proof of insurance.* — An applicant for an elevator contractor license shall submit proof of the insurance required under subsection (a) of this section to the Board with the license application.

(c) *License renewal prohibited.* — Unless a licensee meets the insurance requirements of this section, the Board may not renew the license of a licensee to whom the insurance requirements of this section apply.

(d) *Notice of cancellation.* — A licensed elevator contractor shall give the Board notice of the cancellation of insurance at least 10 days before the effective date of the cancellation. (An. Code 1957, art. 89, § 49C(u); 2003, ch. 5, § 2.)

§ 12-837. Denials, refusals to renew, reprimands, suspensions, and revocations — Grounds; civil penalty.

(a) *Grounds.* — Subject to the hearing provisions of § 12-838 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to an applicant, refuse to renew a license, reprimand a licensee, or suspend or revoke a license, if the applicant or licensee:

- (1) fraudulently or deceptively obtains or attempts to obtain a license;
- (2) fails to notify the Board or the owner or lessee of an elevator or related mechanism of any condition not in compliance with Part II of this subtitle;
- (3) under the laws of the United States or of any state, is convicted of:
 - (i) a felony; or
 - (ii) a misdemeanor that is directly related to the fitness and qualifications of the applicant or licensee to perform services as an elevator contractor, elevator mechanic, elevator renovator contractor, or elevator renovator mechanic;

- (4) transfers the authority granted by a license to another person;
- (5) installs, repairs, or maintains an elevator or assists in the installation, repair, or maintenance of an elevator in a negligent or careless manner;
- (6) willfully or deliberately disregards and violates a building code, electrical code, or construction law of the State or a county or municipal corporation of the State; or
- (7) violates any provision of this subtitle.

(b) *Penalty.* — (1) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this section, the Board may impose a penalty not exceeding \$5,000 for each violation.

(2) To determine the amount of the penalty imposed under this subsection, the Board shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the licensee;
- (iv) the assets of the licensee; and
- (v) any history of previous violations by the licensee.

(3) The Board shall pay any penalty collected under this subsection into the General Fund of the State.

(c) *Considerations where applicant or licensee is convicted of felony or misdemeanor.* — The Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of a licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(3) of this section:

- (1) the nature of the crime;
- (2) the relationship of the crime to the activities authorized by the license;
- (3) with respect to a felony, the relevance of the conviction to the fitness and qualifications of the applicant or licensee to perform services as an elevator contractor, elevator mechanic, elevator renovator contractor, or elevator renovator mechanic;
- (4) the length of time since the conviction; and
- (5) the behavior and activities of the applicant or licensee before and after the conviction. (2012, ch. 49.)

§ 12-838. Denials, refusals to renew, reprimands, suspensions, and revocations — Hearings.

(a) *Right to hearing.* — Except as otherwise provided in Title 10, Subtitle 2 of the State Government Article, before the Board takes any final action under Part III of this subtitle, the Board shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.

(b) *Application of contested case provisions.* — The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article. (An. Code 1957, art. 89, § 49C(s); 2003, ch. 5, § 2.)

§ 12-839. Judicial review.

Any person aggrieved by a final decision of the Board in a contested case, as defined in § 10-202 of the State Government Article, may take an appeal as

allowed in §§ 10-222 and 10-223 of the State Government Article. (An. Code 1957, art. 89, § 49C(t); 2003, ch. 5, § 2.)

§ 12-840. Prohibited acts.

(a) *Elevator installation, repair, or maintenance work without license prohibited.* — Except as otherwise provided in Part III of this subtitle, an individual may not perform, attempt to perform, or offer to perform elevator installation, repair, or maintenance work in the State unless licensed by the Board.

(b) *Assistance without license prohibited.* — Except as otherwise provided in Part III of this subtitle, an individual may not assist, attempt to assist, or offer to assist in performing elevator installation, repair, or maintenance work in the State unless licensed by the Board.

(c) *Prohibited employment.* — Except as otherwise provided in Part III of this subtitle, an elevator contractor may not employ an elevator mechanic unless the elevator mechanic is licensed by the Board. (An. Code 1957, art. 89, § 49C(v); 2003, ch. 5, § 2.)

§ 12-841. Penalties.

(a) *In general.* — Except as provided in subsection (b) of this section, a person who violates Part III of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$100 for each day that the violation continues or both.

(b) *Willful violation.* — A person who knowingly and willfully violates Part III of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$5,000 or both. (An. Code 1957, art. 89, § 49C(w); 2003, ch. 5, § 2.)

§ 12-842. Termination of title.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, the provisions of this title that create or relate to the Board and any regulations adopted by the Board shall terminate and be of no effect after July 1, 2029. (2004, ch. 66; 2014, ch. 288; 2017, chs. 57, 58.)

Effect of amendments. — Chapters 57 and 58, Acts 2017, effective October 1, 2017, made identical changes. Each substituted “July 1, 2029” for “July 1, 2019.”

Subtitle 10. Maryland Building Rehabilitation Code.

§ 12-1001. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Addition.* — “Addition” means an increase in:
(1) building area;

- (2) aggregate floor area;
- (3) height; or
- (4) number of stories.

(c) *Change of occupancy*. — “Change of occupancy” means a change in the purpose or level of activity in a building or structure that involves a change in application of the local building code requirements.

(d) *Construction permit application*. — “Construction permit application” means an application for a permit or other governmental approval for a rehabilitation project.

(e) *Department*. — “Department” means the Maryland Department of Labor.

(f) *Existing building*. — “Existing building” means a building or structure that was erected and occupied, or was issued a certificate of occupancy, at least 1 year before a construction permit application for the building or structure was made to a local jurisdiction, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission.

(g) *Local jurisdiction*. — “Local jurisdiction” means:

- (1) a county; or
- (2) a municipal corporation in the State.

(h) *MBRC*. — “MBRC” means the Maryland Building Rehabilitation Code.

(i) *Modification*. — “Modification” means:

- (1) the reconfiguration of a space;
- (2) the addition or elimination of a door or window;
- (3) the reconfiguration or extension of a system; or
- (4) the installation of any additional equipment.

(j) *Reconstruction*. — “Reconstruction” means:

- (1) the reconfiguration of a space that:
 - (i) affects an exit or element of the egress access that is shared by more than a single occupant; or
 - (ii) prevents occupancy of the work area because the existing means of egress and fire protection systems, or their equivalent, are not in place or continuously maintained; or
- (2) extensive modifications.

(k) *Rehabilitation project*. — “Rehabilitation project” means construction work undertaken in an existing building that includes repair, renovation, modification, reconstruction, change of occupancy, or addition.

(l) *Renovation*. — (1) “Renovation” means:

- (i) the change, strengthening, or addition of load bearing elements; or
- (ii) the refinishing, replacement, bracing, strengthening, upgrading, or extensive repair of existing materials, elements, components, equipment, or fixtures.

(2) “Renovation” does not include:

- (i) reconfiguration of a space; or
- (ii) interior or exterior painting.

(m) *Repair*. — “Repair” means the patching, restoration, or minor replacement of materials, elements, components, equipment, or fixtures to maintain them in good or sound condition. (An. Code 1957, art. 83B, § 6-502; 2003, ch. 5, § 2; 2018, ch. 673; 2019, ch. 91, § 7.)

Effect of amendments. — Chapter 673, Acts 2018, effective July 1, 2018, reenacted (a) without change and substituted “Labor, Licensing, and Regulation” for “Housing and Community Development” in (e).

Editor’s note. — For additional provisions relating to the transfer of employees, duties, records, appropriations, etc. of the Department of Housing and Community Development to the Department of Labor, Licensing, and Regulation, see §§ 2 through 7 of ch. 673, Acts 2018.

Section 7, ch. 91, Acts 2019, effective July 1, 2019, provides that “the publisher of the Anno-

tated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 7, ch. 91, Acts 2019, “Maryland Department of Labor” was substituted for “Department of Labor, Licensing, and Regulation” in (e).

§ 12-1002. Effect of subtitle.

(a) *On other laws.* — This subtitle is effective notwithstanding any other provisions of law.

(b) *On authority of units of local government.* — This subtitle does not supersede the planning, zoning, or subdivision authority of local jurisdictions, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission. (An. Code 1957, art. 83B, § 6-501; 2003, ch. 5, § 2.)

§ 12-1003. Maryland Building Rehabilitation Code Advisory Council.

(a) *Established.* — There is a Maryland Building Rehabilitation Code Advisory Council.

(b) *Composition.* — The Council consists of the following 27 members:

(1) the Secretary of Housing and Community Development or the Secretary’s designee;

(2) the Secretary of Labor or the Secretary’s designee;

(3) the State Fire Marshal or the Fire Marshal’s designee;

(4) the State Historic Preservation Officer or the Officer’s designee;

(5) the Secretary of Disabilities or the Secretary’s designee; and

(6) the following 22 members appointed by the Governor:

(i) one representative of the State Fire Prevention Commission;

(ii) four representatives of the building trades who are directly involved or have experience in code setting or code enforcement, including plumbers, electricians, boiler operators, and heating, ventilation, air-conditioning, and refrigeration contractors;

(iii) two architects practicing in the State, a significant portion of whose practice includes rehabilitation projects;

(iv) one professional engineer;

(v) two contractors specializing in rehabilitation construction;

(vi) two representatives of county government;

(vii) two representatives of municipal government;

(viii) two building code officials serving local government;

(ix) one commercial and industrial building owner or developer;

(x) one multifamily building owner or developer;

- (xi) two local fire officials; and
- (xii) two members of the public.

(c) *Diversity*. — The composition of the Council shall reflect the racial, gender, and geographic diversity of the population of the State.

(d) *Tenure; vacancies*. — (1) The term of an appointed member is 4 years and begins on July 1.

(2) The terms of appointed members are staggered as required by the terms provided for members of the Council on October 1, 2003.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) An appointed member may serve no more than two terms.

(e) *Chairman*. — The Governor shall designate a chairman from among the Council members.

(f) *Compensation and reimbursement for expenses*. — A member of the Council:

(1) may not receive compensation for service on the Council; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) *Director*. — (1) The Secretary of Labor shall appoint the Director of the Council.

(2) The Director is a special appointment in the State Personnel Management System.

(h) *Duties*. — The Council shall:

(1) advise the Department on the development and adoption of and amendments to the MBRC;

(2) provide technical advice on the interpretation of the MBRC to property owners, design professionals, contractors, and code officials and code appeal boards of local jurisdictions, the Maryland-National Capital Park and Planning Commission, and the Washington Suburban Sanitary Commission;

(3) develop the MBRC to the extent possible to avoid increased costs to local jurisdictions resulting from implementation of the MBRC; and

(4) to the extent provided in the State budget, provide training on the MBRC for code officials and other public and private construction-related professionals. (An. Code 1957, art. 83B, § 6-505; 2003, ch. 5, § 2; 2004, ch. 425, § 8; 2005, ch. 25, § 1; 2018, ch. 673; 2019, ch. 91, § 7.)

Effect of amendments. — Chapter 673, Acts 2018, effective July 1, 2018, reenacted (a) without change and substituted “Labor, Licensing, and Regulation” for “Housing and Community Development” in (g)(1).

Editor’s note. — For additional provisions relating to the transfer of employees, duties, records, appropriations, etc. of the Department of Housing and Community Development to the Department of Labor, Licensing, and Regulation, see §§ 2 through 7 of ch. 673, Acts 2018.

Section 7, ch. 91, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 7, ch. 91, Acts 2019, “Secretary of

Labor” was substituted for “Secretary of Labor, Licensing, and Regulation” in (b)(2) and (g)(1).

§ 12-1004. Maryland Building Rehabilitation Code — In general.

(a) *Adoption.* — (1) The Department, in cooperation with the Maryland Building Rehabilitation Code Advisory Council, the Maryland Department of Labor, and the State Fire Marshal, shall adopt by regulation the Maryland Building Rehabilitation Code.

(2) The MBRC shall be modeled on the nationally applicable recommended rehabilitation provisions developed by the United States Department of Housing and Urban Development and the National Association of Home Builders Research Center.

(b) *Purpose.* — The purpose of the MBRC is to encourage and facilitate the rehabilitation of existing buildings by reducing the cost of and constraints on rehabilitation that result from existing procedures and standards.

(c) *Applicability.* — Except as otherwise allowed under this subtitle and Subtitles 2, 3, 4, and 5 of this title, and notwithstanding the Local Government Article, Division II of the Land Use Article, and Division II of the Public Utilities Article and any building codes, mechanical codes, plumbing codes, fire prevention codes, and electrical codes adopted under those articles of the Code, the MBRC applies to all rehabilitation projects for which a construction permit application is received by a local jurisdiction, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission after adoption of the MBRC. (An. Code 1957, art. 83B, § 6-503(a), (b), (d); 2003, ch. 5, § 2; 2013, ch. 136; 2019, ch. 91, § 7.)

Editor’s note. — Section 7, ch. 91, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and termi-

nology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 7, ch. 91, Acts 2019, “Maryland Department of Labor” was substituted for “Department of Labor, Licensing, and Regulation” in (a)(1).

§ 12-1005. Contents.

(a) *Minimum requirements.* — At a minimum, the MBRC shall:

- (1) maintain a level of safety consistent with existing codes;
- (2) provide for multiple categories of work with multiple compliance standards;
- (3) be enforceable by local officials using existing enforcement procedures;
- (4) apply to the repair, renovation, modification, and reconstruction of, a change of occupancy in, and an addition to, an existing building;
- (5) provide an expedited review process for proposed amendments to the MBRC submitted by a local government or an organization that represents local governments; and
- (6) provide an opportunity for a person proposing a complex project that involves multiple codes to meet, before submitting a construction permit application, with the local officials, or their designees, responsible for permit

approval and enforcement of construction-related laws that apply to the project.

(b) *Meeting on complex projects.* — To the extent possible, the meeting provided for under subsection (a)(6) of this section shall include the officials responsible for permit approval and enforcement in any of the following areas that apply to the complex project:

- (1) building code;
- (2) mechanical code;
- (3) plumbing code;
- (4) electrical code;
- (5) fire prevention code;
- (6) Boiler Safety Code;
- (7) energy code;
- (8) elevator code; and
- (9) local historic preservation ordinances.

(c) *Purpose of meeting.* — The purpose of the meeting provided for under subsection (a)(6) of this section is to anticipate and expedite the resolution of problems that a complex project may have in complying with the MBRC and any other applicable laws. (An. Code 1957, art. 83B, § 6-504; 2003, ch. 5, § 2; 2007, ch. 5, § 7.)

§ 12-1006. Conforming changes to other codes and standards.

Within 90 days after the adoption of the MBRC and any subsequent amendments to the MBRC:

(1) the Maryland Department of Labor, the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, the State Board of Plumbing, the Commissioner of Labor and Industry, and the Board of Boiler Rules shall submit proposed amendments to their regulations to make the Mechanical Code, the State Plumbing Code, the Boiler Safety Code, and the Elevator Code consistent with the MBRC;

(2) the Department of State Police and the State Fire Prevention Commission shall submit proposed amendments to their regulations to make the State Fire Prevention Code consistent with the MBRC; and

(3) the Department shall submit proposed amendments to its regulations to make the Maryland Building Performance Standards, the Safety Glazing Code, the Energy Code, and the Maryland Accessibility Code consistent with the MBRC. (An. Code 1957, art. 83B, § 6-503(e); 2003, ch. 5, § 2; 2019, ch. 91, § 7.)

Editor's note. — Section 7, ch. 91, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and termi-

nology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.” Pursuant to § 7, ch. 91, Acts 2019, “Maryland Department of Labor” was substituted for “Department of Labor, Licensing, and Regulation” in (1).

§ 12-1007. Amendments.

(a) *By Department.* — At least every 3 years, the Department, in cooperation with the Maryland Building Rehabilitation Code Advisory Council, shall review the MBRC and adopt any necessary or desirable amendments.

(b) *By local jurisdictions — Applicability of amendments.* — (1) A local jurisdiction may adopt amendments to the MBRC that apply only to the local jurisdiction.

(2) A municipal corporation whose authority to adopt or amend a building code is limited, by law, by the authority of the county in which it is located, is not subject to an amendment to the MBRC adopted by the county unless the municipal corporation also adopts the amendment.

(c) *By local jurisdictions — Copy of amendments.* — To keep current the central database established under § 12-506 of this title, a local jurisdiction that amends the MBRC shall provide a copy of the amendment to the Department:

(1) at least 15 days before the effective date of the amendment; or

(2) within 5 days after the adoption of an emergency local amendment.

(d) *By local jurisdictions — Effect on eligibility for funding.* — A local jurisdiction that amends the MBRC is not eligible for any funding appropriated above the appropriation in fiscal year 2000 for:

(1) circuit rider MBRC inspectors provided under the circuit rider program in the Department;

(2) training for the local jurisdiction's code enforcement officials, as provided for in § 12-1003(h)(4) of this subtitle;

(3) a smart growth mortgage program, to be established by the Department under Title 4, Subtitles 2 and 8 of the Housing and Community Development Article;

(4) the Neighborhood Conservation Program in the Department of Transportation; and

(5) the Rural Legacy Program established under Title 5, Subtitle 9A of the Natural Resources Article.

(e) *By local jurisdictions — Effect on eligibility for priority under transportation enhancements programs.* — A local jurisdiction that amends the MBRC is not eligible for a priority under the Department of Transportation's transportation enhancements programs. (An. Code 1957, art. 83B, § 6-503(c)(2), (f); 2003, ch. 5, § 2; 2005, ch. 44, § 1.)

Subtitle 11. Carbon Monoxide Alarms.

§ 12-1101. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Carbon monoxide alarm.* — “Carbon monoxide alarm” means a device that:

(1) senses carbon monoxide;

(2) when sensing carbon monoxide, is capable of emitting a distinct and audible sound;

(3) is listed and carries the listing of a nationally recognized testing laboratory approved by the Office of the State Fire Marshal; and

(4) (i) is wired into an alternating current (AC) powerline with secondary battery backup; or

(ii) for a hotel, a lodging or rooming house, or a rental dwelling unit:

1. is wired into an alternating current (AC) powerline with secondary battery backup;

2. is battery-powered, sealed, tamper resistant, and using a long-life battery that has a life of not less than 10 years; or

3. is connected to an on-site control unit that monitors the carbon monoxide alarm remotely so that a responsible party is alerted when the device activates the alarm signal and receives its primary power from a battery or the control unit.

(c) *Dwelling*. — (1) “Dwelling” means a building or part of a building that provides living or sleeping facilities for one or more individuals.

(2) “Dwelling” includes a one or two family dwelling, multifamily dwelling, hotel, lodging or rooming house, or dormitory.

(d) *Hotel*. — “Hotel” has the meaning stated in § 9-201 of this article.

(e) *Install*. — “Install” means to attach to the wall or ceiling of a dwelling in accordance with:

(1) the National Fire Protection Association (NFPA) 720 standard for the installation of carbon monoxide warning equipment in dwelling units; and

(2) the manufacturer’s recommendations.

(f) *Lodging or rooming house*. — “Lodging or rooming house” has the meaning stated in § 9-201 of this article.

(g) *Rental dwelling unit*. — “Rental dwelling unit” has the meaning stated in § 6-801 of the Environment Article.

(h) *Sleeping area*. — “Sleeping area” has the meaning stated in § 9-101 of this article. (2007, ch. 401; 2015, ch. 151; 2016, chs. 174, 175.)

Effect of amendments. — Chapters 174 and 175, Acts 2016, effective October 1, 2016, made identical changes. Each added “or a

rental dwelling unit” in the introductory language of (b)(4)(ii); added (g) and (h); and made a related change.

§ 12-1102. Scope.

This subtitle only applies to:

(1) a dwelling that:

(i) relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation; and

(ii) is a newly constructed dwelling for which a building permit is issued on or after January 1, 2008; or

(2) a hotel, a lodging or rooming house, or a rental dwelling unit. (2007, ch. 401; 2015, ch. 151; 2016, chs. 174, 175.)

Effect of amendments. — Chapters 174 and 175, Acts 2016, effective October 1, 2016, made identical changes. Each added “or a

rental dwelling unit” in (2) and made a related change.

§ 12-1103. Combination of carbon monoxide and smoke alarms.

A carbon monoxide alarm may be combined with a smoke alarm if the combined device complies with:

- (1) this subtitle;
- (2) Title 9 of this article; and
- (3) American National Standards Institute (ANSI)/Underwriters Laboratories (UL) standards 217 and 2034 or ANSI/UL 268 and 2075. (2007, ch. 401; 2015, ch. 151; 2016, chs. 174, 175.)

Effect of amendments. — Chapter 174 and 175, Acts 2016, effective October 1, 2016, reenacted the section without change.

§ 12-1104. Installation of alarms.

(a) *Areas.* — Except as provided in subsections (b) and (c) of this section, there must be a carbon monoxide alarm installed in a central location outside of each sleeping area within a dwelling subject to this subtitle.

(b) *Hotel, lodging, or rooming house.* — For a hotel or a lodging or rooming house, on or after April 1, 2017, there must be a carbon monoxide alarm installed within the dwelling, as follows:

- (1) on the wall inside each guest room that:
 - (i) contains a device that emits carbon monoxide;
 - (ii) is adjacent to a room or area that contains a device that emits carbon monoxide;
 - (iii) is adjacent to an enclosed unventilated attached garage; or
 - (iv) is connected by ductwork to an enclosed unventilated attached garage or room or area that contains a device that emits carbon monoxide; and
- (2) on a wall in each room or area that:
 - (i) contains a device that emits carbon monoxide;
 - (ii) is adjacent to a room or area that contains a device that emits carbon monoxide; or
 - (iii) is adjacent to an enclosed unventilated attached garage.

(c) *Rental dwelling unit.* — For a rental dwelling unit, on or after April 1, 2018, there must be a carbon monoxide alarm installed within the dwelling as follows:

- (1) outside and in the immediate vicinity of each separate sleeping area; and
- (2) on every level of the unit, including the basement.

(d) *Installation of alarm near carbon monoxide producing equipment.* — Notwithstanding subsections (a), (b), and (c) of this section, if there is a centralized alarm system that is capable of emitting a distinct and audible sound to warn all occupants, the owner of a dwelling may install a carbon monoxide alarm within 25 feet of any carbon monoxide-producing fixture and equipment. (2007, ch. 401; 2015, ch. 151; 2016, chs. 174, 175.)

Effect of amendments. — Chapters 174 and 175, Acts 2016, effective October 1, 2016, made identical changes. Each substituted “subsections (b) and (c)” for “subsection (b)” in (a); in the introductory language of (b) substituted “hotel or a lodging or rooming house” for “dwell-

ing described in § 12-1102(2) of this subtitle” and “the dwelling” for “a hotel or a lodging or rooming house”; added (c) and redesignated accordingly; and in (d) substituted “subsections (a), (b), and (c)” for “subsections (a) and (b).”

§ 12-1105. Rendering alarm inoperable prohibited.

Except as part of routine maintenance, a person may not render a carbon monoxide alarm inoperable. (2007, ch. 401; 2015, ch. 151; 2016, chs. 174, 175.)

Effect of amendments. — Chapter 174 and 175, Acts 2016, effective October 1, 2016, reenacted the section without change.

§ 12-1106. More stringent local laws allowed.

This subtitle does not prevent a county or municipal corporation from enacting more stringent laws that relate to carbon monoxide alarms. (2007, ch. 401; 2015, ch. 151; 2016, chs. 174, 175.)

Effect of amendments. — Chapter 174 and 175, Acts 2016, effective October 1, 2016, reenacted the section without change.

TITLE 14.

EMERGENCY MANAGEMENT.

Subtitle 1. Maryland Emergency Management Agency Act.

§ 14-101. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Director.* — “Director” means the Director of MEMA.

(c) *Emergency.* — “Emergency” means the threat or occurrence of:

(1) a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, and any other disaster in any part of the State that requires State assistance to supplement local efforts in order to save lives and protect public health and safety; or

(2) an enemy attack, act of terrorism, or public health catastrophe.

(d) *Emergency management.* — (1) “Emergency management” means the preparation for and carrying out of functions in an emergency in order to save lives and to minimize and repair injury and damage that result from emergencies beyond the capabilities of local authorities.

(2) “Emergency management” does not include the preparation for and carrying out of functions in an emergency for which military forces are primarily responsible.

(e) *Local organization for emergency management.* — “Local organization for emergency management” means an organization established by a political subdivision or other local authority under § 14-109 of this subtitle.

(f) *MEMA*. — “MEMA” means the Maryland Emergency Management Agency.

(g) *Political subdivision*. — “Political subdivision” means a county or municipal corporation of the State. (An. Code 1957, art. 16A, § 3; 2003, ch. 5, § 2; 2006, chs. 369, 505.)

§ 14-102. Legislative policy.

(a) *In general*. — To ensure that the State will be adequately prepared to deal with emergencies that are beyond the capabilities of local authorities, to provide for the common defense, to protect the public peace, health, and safety, and to preserve the lives and property of the people of the State, it is necessary to:

- (1) establish a Maryland Emergency Management Agency;
- (2) authorize the establishment of local organizations for emergency management in the political subdivisions;
- (3) confer on the Governor and on the executive heads or governing bodies of the political subdivisions the emergency powers provided in this subtitle; and
- (4) provide for the rendering of mutual aid among the political subdivisions and with other states in carrying out emergency management functions.

(b) *Effective use of resources*. — It is the policy of the State and the purpose of this subtitle to coordinate, to the maximum extent possible, all emergency management functions of the State with the comparable functions of the federal government, other states, other localities, and private agencies, so that the most effective preparation and use may be made of the resources and facilities available for dealing with any emergency. (An. Code 1957, art. 16A, § 2; 2003, ch. 5, § 2.)

§ 14-103. Maryland Emergency Management Agency established.

(a) *In general*. — There is a Maryland Emergency Management Agency in the Military Department.

(b) *Unit of State government*. — MEMA is a unit of State government. (An. Code 1957, art. 16A, § 4(a)(1); art. 65, § 15A; 2003, ch. 5, § 2.)

§ 14-104. Director of MEMA.

(a) *Appointment*. — The Governor shall appoint the Director of MEMA.

(b) *Term*. — The Director serves at the pleasure of the Governor.

(c) *Salary*. — (1) The Director is in the executive service of the State Personnel Management System and is entitled to the salary provided in the State budget.

(2) The Director’s employment is not subject to the conditions and limitations of the State Personnel and Pensions Article.

(d) *Duties*. — (1) The Director is the executive head of MEMA.

(2) The Director is responsible to the Governor for carrying out the State emergency management program.

(3) If the Governor has formally declared the threat or occurrence of an emergency, the Director shall coordinate the activities of all organizations for emergency management operations in the State.

(4) The Director, in collaboration with other public and private agencies in the State, shall develop or cause to be developed mutual aid agreements for reciprocal emergency aid and assistance in case of emergency of an extreme nature that affects two or more political subdivisions.

(5) The Director shall maintain liaison and cooperate with emergency management agencies and organizations of other states and the federal government.

(e) *Staff.* — The Director may employ personnel in accordance with the State budget and subject to the conditions and limitations of the State Personnel and Pensions Article.

(f) *Expenditures for emergency management.* — The Director may make expenditures within the appropriations in the State budget or from other money made available to the Director for purposes of emergency management as necessary to carry out this subtitle. (An. Code 1957, art. 16A, §§ 4(a)(2), (b), (c), 8; 2003, ch. 5, § 2; 2010, ch. 24; 2011, ch. 65, § 5.)

§ 14-105. Emergency Management Advisory Council.

(a) *Established.* — There is an Emergency Management Advisory Council.

(b) *Membership.* — The Council consists of the members that the Governor designates, including:

- (1) fair and reasonable representation for local government;
- (2) representation for organizations that represent volunteer firefighters and rescue squads; and
- (3) representation from manufacturing, utilities, and communications industries.

(c) *Compensation and reimbursement for expenses.* — A member of the Council:

- (1) may not receive compensation for service on the Council; but
- (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) *Duties.* — The Council shall advise the Governor on all matters that relate to emergency management.

(e) *Annual reports.* — On or before December 31, 2005, and on or before December 1 of each year thereafter, the Council shall submit a report to the Governor and, in accordance with § 2-1257 of the State Government Article, to the General Assembly concerning its activities and recommendations. (An. Code 1957, art. 16A, § 5; 2003, ch. 5, § 2; 2005, ch. 181; 2019, ch. 510, § 4; ch. 511, § 4.)

Editor's note. — Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this

section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

§ 14-106. Emergency management powers of Governor.

(a) *In general.* — (1) The Governor:

- (i) has control of and is responsible for MEMA; and
- (ii) is responsible for carrying out this subtitle.

(2) In the event of the threat or occurrence of an emergency, the Governor may assume direct operational control over all or part of an emergency management function created or authorized by this subtitle and Subtitles 2 and 4 of this title.

(3) The Governor may delegate the powers the Governor sees fit to an individual who is employed:

- (i) in the Executive Department of State government;
- (ii) as a secretary of a principal department; or
- (iii) as the head of an independent State agency.

(b) *Specific powers.* — In performing duties under this subtitle, the Governor:

(1) may cooperate with the federal government, other states, and private agencies in all matters that relate to the emergency management operations of this State and the United States;

(2) may issue orders, rules, and regulations necessary or desirable to:

- (i) carry out this subtitle;
- (ii) prepare and revise, as necessary, a comprehensive plan and program for the emergency management operations of this State;
- (iii) integrate the plan and program of this State with the emergency management operations plans of the federal government and other states; and
- (iv) coordinate the preparation of plans and programs for emergency management operations by the political subdivisions;

(3) may authorize the procurement of supplies and equipment, the institution of training programs including the process for licensing, certifying, or credentialing health care practitioners developed under § 18-903(c) of the Health - General Article, public information programs, and other steps to prepare for an emergency;

(4) may authorize studies and surveys of industries, resources, and facilities in the State as necessary or desirable to:

(i) ascertain the State's capabilities for emergency management operations; and

(ii) prepare plans for the emergency management of resources in accordance with the national plan for emergency preparedness;

(5) may appoint, in cooperation with local authorities, directors of local organizations for emergency management, may delegate to the directors any administrative authority vested in the Governor under this subtitle, and may provide for the subdelegation of that authority; and

(6) may delegate the Governor's authority under this subsection to an individual who is employed:

- (i) in the Executive Department of State government;
- (ii) as a secretary of a principal department; or
- (iii) as the head of an independent State agency.

(c) *Harmful consequences of potential emergencies.* — (1) In addition to emergency prevention measures included in the State, local, and interjurisdictional emergency plans, the Governor shall consider, on a continuing basis, steps that could be taken to prevent or reduce the harmful consequences of potential emergencies.

(2) (i) At the direction of the Governor, and in accordance with any other authority and competence they have, State agencies shall study matters related to emergency prevention.

(ii) State agencies required to study matters related to emergency prevention include those charged with responsibilities in connection with flood plain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards. (An. Code 1957, art. 16A, § 6; 2003, ch. 5, § 2; 2006, ch. 505.)

§ 14-107. State of emergency — Declaration by Governor.

(a) *In general.* — (1) If the Governor finds that an emergency has developed or is impending due to any cause, the Governor shall declare a state of emergency by executive order or proclamation.

(2) The state of emergency continues until the Governor:

(i) finds that the threat or danger has passed or the emergency has been dealt with to the extent that emergency conditions no longer exist; and

(ii) terminates the state of emergency by executive order or proclamation.

(3) A state of emergency may not continue for longer than 30 days unless the Governor renews the state of emergency.

(4) (i) The General Assembly by joint resolution may terminate a state of emergency at any time.

(ii) After the General Assembly terminates a state of emergency, the Governor shall issue an executive order or proclamation that terminates the state of emergency.

(b) *Contents of declaration; publicity.* — (1) Each executive order or proclamation that declares or terminates a state of emergency shall indicate:

(i) the nature of the emergency;

(ii) the area threatened; and

(iii) the conditions that have brought about the state of emergency or that make possible the termination of the state of emergency.

(2) Each executive order or proclamation shall be:

(i) disseminated promptly by means calculated to publicize its contents; and

(ii) unless prevented or impeded by the circumstances of the emergency, filed promptly with:

1. MEMA;

2. the State Archives; and

3. the chief local records-keeping agency in the area to which the executive order or proclamation applies.

(c) *Responsibility of Director; effect of declaration.* — (1) After the Governor declares a state of emergency, the Director shall coordinate the activities of the agencies of the State and of those political subdivisions included in the declaration in all actions that serve to prevent or alleviate the ill effects of the imminent or actual emergency.

(2) An executive order or proclamation that declares a state of emergency:

(i) activates the emergency response and recovery aspects of the State and local emergency plans applicable to the political subdivision or area covered by the declaration; and

(ii) is authority for:

1. the deployment and use of resources to which the State or local plans apply; and

2. the use or distribution of supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available in accordance with this subtitle or any other law that relates to emergencies.

(d) *Other actions by Governor.* — (1) After declaring a state of emergency, the Governor, if the Governor finds it necessary in order to protect the public health, welfare, or safety, may:

(i) suspend the effect of any statute or rule or regulation of an agency of the State or a political subdivision;

(ii) direct and compel the evacuation of all or part of the population from a stricken or threatened area in the State;

(iii) set evacuation routes and the modes of transportation to be used during an emergency;

(iv) direct the control of ingress to and egress from an emergency area, the movement of individuals in the area, and the occupancy of premises in the area;

(v) authorize the use of private property, in which event the owner of the property shall be compensated for its use and for any damage to the property;

(vi) provide for temporary housing; and

(vii) authorize the clearance and removal of debris and wreckage.

(2) The powers of the Governor under this subsection are in addition to any other authority vested in the Governor by law. (An. Code 1957, art. 16A, §§ 6A, 6B; 2003, ch. 5, § 2; 2006, chs. 369, 505.)

§ 14-108. State of emergency — Declared in another state.

(a) *Powers of Governor.* — After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may:

(1) authorize use in the other state of personnel, equipment, supplies, or materials of this State, or of a political subdivision with the consent of the executive officer or governing body of the political subdivision; and

(2) suspend the effect of any statute or rule or regulation of an agency of the State or, after consulting with the executive officer or governing body of a political subdivision, a rule or regulation of an agency of a political subdivision,

if the Governor finds that the suspension is necessary to aid the other state with its emergency management functions.

(b) *Issuance of executive order; contents; publicity.* — (1) The Governor shall authorize the use of resources or the suspension of the effect of any statute, rule, or regulation under subsection (a) of this section by executive order.

(2) An executive order issued under this section may not continue for longer than 30 days unless the Governor renews the executive order.

(3) Each executive order issued under this section shall indicate:

(i) the nature of the emergency in the other state; and
 (ii) any circumstances that make suspension of a statute, rule, or regulation necessary to aid the other state with its emergency management functions.

(4) Each executive order shall be:

(i) disseminated promptly by means calculated to publicize its contents; and

(ii) filed promptly with:

1. MEMA;
 2. the State Archives; and
 3. each agency of the State or a political subdivision that is authorized by the order to use resources in the other state or responsible for the enforcement of any provisions that are suspended by the executive order. (An. Code 1957, art. 16A, § 6D; 2003, ch. 5, § 2; 2006, ch. 369.)

§ 14-109. Local organizations for emergency management.

(a) *Established.* — Each political subdivision shall:

(1) establish a local organization for emergency management in accordance with the State emergency management plan and program; and

(2) participate in federal programs for emergency management.

(b) *Directors of local organizations for emergency management.* — (1) On recommendation of the mayor, executive, or governing body of the political subdivision, the Governor shall appoint a director of emergency management for each local organization for emergency management.

(2) Each director of a local organization for emergency management is directly responsible for the organization, administration, and operation of the local organization for emergency management.

(3) Each director of a local organization for emergency management is subject to the direction and control of the mayor, executive, or governing body of the political subdivision, under the general power of the Governor.

(c) *Personnel.* — (1) Subject to the budget of the political subdivision, each local organization for emergency management shall include those programs and positions recommended periodically by MEMA to meet federal and State standards.

(2) (i) In a county in which there is a local merit system or classified service for the general employees of the county, the employees and officers of the local organization for emergency management are included in and subject to all rights, duties, privileges, and responsibilities of that system or service.

(ii) Subparagraph (i) of this paragraph does not apply to the director of the local organization for emergency management.

(3) (i) If a county does not have a local merit system or classified service, the governing body of the county, or the board of estimates of Baltimore City, may include by regulation the employees and officers of the local organization for emergency management in the classified service of the State Personnel Management System.

(ii) Subparagraph (i) of this paragraph does not apply to the director of the local organization for emergency management.

(iii) 1. Except as otherwise provided by law, during the effective period of the regulation the employees and officers are subject to the rights, duties, privileges, and responsibilities of Division I of the State Personnel and Pensions Article.

2. The governing body of the county or the Mayor of Baltimore is the appointing officer under Division I of the State Personnel and Pensions Article.

(4) Paragraph (3) of this subsection does not remove from the governing body of a county or from the Mayor and City Council of Baltimore the power to establish and regulate the compensation, vacation allowance, or sick leave of all employees and officers of the local organization for emergency management in the county or Baltimore City.

(d) *Funding.* — Each political subdivision may make appropriations in the manner provided by law to pay the expenses of its local organization for emergency management. (An. Code 1957, art. 16A, §§ 7(a)(1), (b), (c), 9(a); 2003, ch. 5, § 2.)

Civil defense system consists of local organizations. — In creating the civil defense system, the General Assembly gave evidence that it was to be composed of local organizations under local direction and control, subject to statewide coordination by the director. *Deyesu v. Mayor of Baltimore*, 232 Md. 601, 194 A.2d 783 (1963).

Civil defense positions are municipal offices. — There was no merit to plaintiff's claim that the civil defense positions are neither municipal offices nor municipal positions in the city upon the ground that civil defense activities and operations are not confined to the city, but are statewide in concept, scope and effect. *Deyesu v. Mayor of Baltimore*, 232 Md. 601, 194 A.2d 783 (1963).

Civil service examinations. — The civil service commission of Baltimore had jurisdiction to give an examination for the position which the plaintiff failed. *Deyesu v. Mayor of Baltimore*, 232 Md. 601, 194 A.2d 783 (1963).

Effect of 1962 amendment to prior version of this section. — Employees of the civil defense organization of Baltimore were employees of the city subject to classification in the merit system without regard to ch. 125, Acts 1962, amending a prior similar version of this section, and the qualifying examination given to incumbents by the civil service commission before that act became effective was not unfair or illegal. *Holub v. Civil Serv. Comm'n*, 233 Md. 265, 196 A.2d 470 (1964).

After June 1, 1962, the employee had no standing or status in the civil defense organization of Baltimore, except that of deputy director, appointed by the city officials. As such, employee was within the merit system, and, if employee desired to retain the position, employee properly was called upon to take and pass a qualifying examination. *Holub v. Civil Serv. Comm'n*, 233 Md. 265, 196 A.2d 470 (1964).

§ 14-110. Local emergency plans.

(a) *Emergency Preparedness Plan for hazardous materials.* — (1) Each county shall:

(i) prepare an Emergency Preparedness Plan for responding to an emergency that involves hazardous materials or controlled hazardous substances, as defined in the Environment Article; and

(ii) review the Plan annually and submit any changes to the Director so that the Director may maintain current and accurate information about the Plan.

(2) Each county shall submit its Emergency Preparedness Plan to the Director on or before October 1, 1998.

(b) *Radiological emergency response plan.* — (1) A local organization for emergency management shall submit to the Director a radiological emergency response plan if the political subdivision in which the local organization for emergency management is located:

(i) falls within the plume or ingestion zone of a commercial nuclear reactor; or

(ii) might reasonably be expected to host evacuees from another jurisdiction in a plume or ingestion zone.

(2) The radiological emergency response plan shall provide for the evacuation of the residents of the political subdivision as a result of an emergency caused by a dangerous release of radiation. (An. Code 1957, art. 16A, §§ 4(d), 7(a)(2); 2003, ch. 5, § 2.)

§ 14-110.1. Emergency plans for human service facilities.

(a) *“Human service facility” defined.* — In this section, “human service facility” means a facility licensed by the State that is:

(1) a nursing home, as defined in § 19-1401 of the Health - General Article;

(2) an assisted living facility, as defined in § 19-1801 of the Health - General Article;

(3) a hospital, as defined in § 19-301 of the Health - General Article;

(4) a related institution as defined in § 19-301 of the Health - General Article;

(5) a State-operated institution for mental disease;

(6) a group home as defined in § 7-101 of the Health - General Article;

(7) an alternative living unit as defined in § 7-101 of the Health - General Article; and

(8) a State residential center as defined in § 7-101 of the Health - General Article.

(b) *In general.* — A human service facility shall develop an emergency plan.

(c) *Procedures to be included in plan.* — An emergency plan shall include procedures that will be followed before, during, and after an emergency to address:

(1) the evacuation, transportation, or shelter-in-place of individuals served by the human service facility;

(2) the notification to families, staff, and licensing authorities regarding the action that will be taken concerning the safety and well-being of the individuals served by the human service facility;

- (3) staff coverage, organization, and assignment of responsibilities; and
- (4) the continuity of operations, including:
 - (i) procuring essential goods, equipment, and services; and
 - (ii) relocation to alternate facilities.

(d) *Reimbursement allowed; responsibility for financial obligation.* —

(1) This subsection does not prohibit a human service facility from applying for and receiving reimbursement:

- (i) under any applicable insurance policy; or
- (ii) from any State or federal funds that may be available due to a declared State or federal emergency.

(2) A human service facility is solely responsible for any financial obligation arising from voluntary or mandatory activation of any aspect of the emergency plan developed by the human service facility under this section.

(e) *Regulations.* — (1) On or before November 30, 2007, a State agency that is responsible for the licensing of a human service facility shall adopt regulations governing the development of emergency plans under this section.

(2) Regulations adopted under paragraph (1) of this subsection shall be developed in consultation with representatives of:

- (i) the Maryland Emergency Management Agency;
- (ii) the Maryland Institute for Emergency Medical Services Systems;
- (iii) local organizations for emergency management; and
- (iv) human service facilities.

(f) *Access to plans.* — For purposes of coordinating local emergency planning efforts, a human service facility shall provide access to the emergency plans developed under this section to local organizations for emergency management. (2006, ch. 472; 2012, ch. 388.)

§ 14-110.2. Designation of public library as essential community service during emergency.

A public library shall be designated as providing an essential community service during an emergency as described under the Federal Emergency Management Agency Public Assistance Program provisions relating to federal disaster assistance and temporary relocation facilities. (2012, chs. 310, 311.)

§ 14-110.3. Emergency plans for kidney dialysis centers.

(a) *“Kidney dialysis center” defined.* — In this section, “kidney dialysis center” has the meaning stated in § 19-3B-01 of the Health - General Article.

(b) *In general.* — A kidney dialysis center shall have an emergency plan.

(c) *Procedures to be included in plan.* — An emergency plan shall include policies and procedures that will be followed before, during, and after an emergency to address:

(1) the safe management of individuals who are receiving services at the kidney dialysis center when an emergency occurs;

(2) notification of patients, families, staff, and licensing authorities regarding actions that will be taken concerning the provision of dialysis services to the individuals served by the kidney dialysis center;

(3) staff coverage, organization, and assignment of responsibilities; and

(4) the continuity of operations, including procedures to secure access to essential goods, equipment, and dialysis services.

(d) *Reimbursement allowed; responsibility for financial obligation.* —

(1) This subsection does not prohibit a kidney dialysis center from applying for and receiving reimbursement:

(i) under any applicable insurance policy; or

(ii) from any State or federal funds that may be available due to a declared State or federal emergency.

(2) A kidney dialysis center is solely responsible for any financial obligation arising from voluntary or mandatory activation of any aspect of the emergency plan developed by the kidney dialysis center under this section.

(e) *Access to plans.* — For purposes of coordinating local emergency planning efforts, a kidney dialysis center shall provide access to the emergency plans developed under this section to local organizations for emergency management. (2012, ch. 388.)

§ 14-111. Local state of emergency.

(a) *Declaration.* — Only the principal executive officer of a political subdivision may declare a local state of emergency.

(b) *Duration.* — (1) Except with the consent of the governing body of the political subdivision, a local state of emergency may not continue or be renewed for longer than 30 days.

(2) An order or proclamation that declares, continues, or terminates a local state of emergency shall be:

(i) given prompt and general publicity; and

(ii) filed promptly with the chief local records-keeping agency.

(c) *Effect of declaration.* — Declaration of a local state of emergency:

(1) activates the response and recovery aspects of any applicable local state of emergency plan; and

(2) authorizes the provision of aid and assistance under the applicable plan. (An. Code 1957, art. 16A, § 6C; 2003, ch. 5, § 2; 2012, chs. 172, 173.)

§ 14-112. Emergency expenditures; use of existing resources.

(a) *Emergency expenditures.* — (1) Expenditures necessitated by emergencies shall first be made using money regularly appropriated to State and local agencies.

(2) If the Governor finds that regularly appropriated money is inadequate to cope with an emergency, the Board of Public Works may make contingency money available in accordance with the State budget.

(b) *Federal money.* — The State may:

(1) accept any allotment of federal money and commodities and manage and dispose of them in whatever manner may be required by federal law; and

(2) take advantage of the federal Disaster Relief Act of 1974 and any amendments or supplements to it, and any other federal law that provides

grants and public assistance for the purposes of this subtitle and Subtitles 2 and 4 of this title.

(c) *Use of existing resources.* — (1) In carrying out this subtitle, the Governor, Director, and executive officers or governing bodies of the political subdivisions shall use the services, equipment, supplies, and facilities of existing agencies and units of the State and the political subdivisions to the maximum extent practicable.

(2) The officers and personnel of the agencies and units of the State and the political subdivisions shall cooperate with and extend services and facilities to the Governor, Adjutant General, Director, and the local organizations for emergency management on request.

(3) At the direction of the Governor, the Maryland National Guard shall use its services, equipment, supplies, and facilities in life-threatening emergencies that are beyond the capabilities of local authorities.

(d) *Gifts, grants, or loans for emergency management.* — (1) If the federal government, another state, or an agency or officer of the federal government or another state offers to this State or a political subdivision services, equipment, supplies, materials, or money by way of gift, grant, or loan for purposes of emergency management, the State acting through the Governor, or the political subdivision acting with the consent of the Governor and through its executive officer or governing body, may:

(i) accept the offer; and

(ii) authorize an officer of this State or the political subdivision to receive the services, equipment, supplies, materials, or money.

(2) If a person offers to the State or a political subdivision aid or assistance, the State or political subdivision may accept the aid and assistance in accordance with paragraph (1) of this subsection. (An. Code 1957, art. 16A, §§ 9(b)-(e), 10; 2003, ch. 5, § 2; 2010, ch. 24.)

§ 14-113. Enforcement.

(a) *By emergency management agency.* — Each emergency management agency established under this subtitle and its officers shall execute and enforce the orders, rules, and regulations made by the Governor under authority of this subtitle.

(b) *By law enforcement and health officers.* — With respect to the threat or occurrence of an enemy attack, act of terrorism, or public health catastrophe, each law enforcement officer of the State or a political subdivision and each health officer of a political subdivision shall execute and enforce the orders, rules, and regulations made by the Governor under authority of this subtitle. (An. Code 1957, art. 16A, § 12; 2003, ch. 5, § 2.)

§ 14-114. Prohibited acts; penalties.

(a) *Violation of order, rule, or regulation prohibited.* — A person may not violate an order, rule, or regulation issued under the authority of this subtitle.

(b) *Penalties.* — (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(2) A person who willfully violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both. (An. Code 1957, art. 16A, § 12A; 2003, ch. 5, § 2.)

§ 14-115. Short title.

This subtitle may be cited as the Maryland Emergency Management Agency Act. (An. Code 1957, art. 16A, § 1; 2003, ch. 5, § 2.)

Subtitle 3A. Governor's Health Emergency Powers.

§ 14-3A-01. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Catastrophic health emergency.* — “Catastrophic health emergency” means a situation in which extensive loss of life or serious disability is threatened imminently because of exposure to a deadly agent.

(c) *Deadly agent.* — “Deadly agent” means:

(1) anthrax, ebola, plague, smallpox, tularemia, or other bacterial, fungal, rickettsial, or viral agent, biological toxin, or other biological agent capable of causing extensive loss of life or serious disability;

(2) mustard gas, nerve gas, or other chemical agent capable of causing extensive loss of life or serious disability; or

(3) radiation at levels capable of causing extensive loss of life or serious disability.

(d) *Exposure to a deadly agent.* — “Exposure to a deadly agent” means a threat to human health caused by the release, distribution, or transmission of a deadly agent in:

(1) this State; or

(2) another jurisdiction because of movement into the State of the deadly agent or of individuals exposed to the deadly agent.

(e) *Health care provider.* — “Health care provider” means:

(1) a health care facility as defined in § 19-114(d)(1) of the Health - General Article;

(2) a health care practitioner as defined in § 19-114(e) of the Health - General Article; and

(3) an individual licensed or certified as an emergency medical services provider under § 13-516 of the Education Article.

(f) *Secretary.* — “Secretary” means the Secretary of Health. (2004, ch. 26, § 2; 2006, ch. 369; 2009, ch. 60; 2011, chs. 230, 231; 2017, ch. 214, § 7.)

Cross references. — For present provisions regarding extradition, see Title 9 of the Criminal Procedure Article.

For present provisions concerning the Catastrophic Health Emergency Disease Surveillance and Response Program, see § 18-901 et seq. of the Health - General Article.

For present provisions concerning the Maryland Emergency Management Assistance Compact, see §§ 14-802, 14-803 of this article.

Editor's note. — Pursuant to § 7, ch. 214, Acts 2017, “Secretary of Health” was substituted for “Secretary of Health and Mental Hygiene” in (f).

Governor's authority to adopt criteria for allocation of ventilators during pandemic. — The Governor may issue a proclamation that declares a catastrophic health emergency and exercise a broad array of governmental powers targeted to problems re-

lated to the emergency, regardless of whether this authority relates to withholding treatment in the first instance or withdrawing treatment already begun. 100 Op. Att'y Gen. 160 (December 28, 2015).

§ 14-3A-02. Governor's proclamation.

(a) *In general.* — If the Governor determines that a catastrophic health emergency exists, the Governor may issue a proclamation under this subtitle.

(b) *Contents of proclamation.* — The proclamation shall indicate:

- (1) the nature of the catastrophic health emergency;
- (2) the areas threatened or affected; and
- (3) the conditions that:
 - (i) led to the catastrophic health emergency; or
 - (ii) made possible the termination of the emergency.

(c) *Duration of proclamation.* — (1) The Governor shall rescind a proclamation issued under this section whenever the Governor determines that the catastrophic health emergency no longer exists.

(2) Unless renewed, the proclamation expires 30 days after issuance.

(3) The Governor may renew the proclamation for successive periods, each not to exceed 30 days, if the Governor determines that a catastrophic health emergency continues to exist. (2004, ch. 26, § 2.)

Governor's authority to adopt criteria for allocation of ventilators during pandemic. — The Governor may issue a proclamation that declares a catastrophic health emergency and exercise a broad array of governmental powers targeted to problems re-

lated to the emergency, regardless of whether this authority relates to withholding treatment in the first instance or withdrawing treatment already begun. 100 Op. Att'y Gen. 160 (December 28, 2015).

§ 14-3A-03. Governor's orders.

(a) *In general.* — After the Governor issues a proclamation under this subtitle, the Governor may issue the orders authorized in this section.

(b) *To the Secretary or designee.* — (1) The Governor may order the Secretary or other designated official to:

- (i) seize immediately anything needed to respond to the medical consequences of the catastrophic health emergency; and
- (ii) work collaboratively, to the extent feasible, with health care providers to designate and gain access to a facility needed to respond to the catastrophic health emergency.

(2) The Governor may order the Secretary or other designated official to control, restrict, or regulate the use, sale, dispensing, distribution, or transportation of anything needed to respond to the medical consequences of the catastrophic health emergency by:

- (i) rationing or using quotas;
- (ii) creating and distributing stockpiles;
- (iii) prohibiting shipments;
- (iv) setting prices; or
- (v) taking other appropriate actions.

(3) If medically necessary and reasonable to treat, prevent, or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent, the Governor may order the Secretary or other designated official to:

- (i) require individuals to submit to medical examination or testing;
- (ii) require individuals to submit to vaccination or medical treatment unless the vaccination or treatment likely will cause serious harm to the individual;
- (iii) establish places of treatment, isolation, and quarantine; or
- (iv) require individuals to go to and remain in places of isolation or quarantine until the Secretary or other designated official determines that the individuals no longer pose a substantial risk of transmitting the disease or condition to the public.

(c) *To health care provider.* — The Governor may order any health care provider, who does not voluntarily participate, to participate in disease surveillance, treatment, and suppression efforts or otherwise comply with the directives of the Secretary or other designated official.

(d) *To the public.* — (1) The Governor may order the evacuation, closing, or decontamination of any facility.

(2) If necessary and reasonable to save lives or prevent exposure to a deadly agent, the Governor may order individuals to remain indoors or refrain from congregating. (2004, ch. 26, § 2; 2011, chs. 230, 231.)

Governor's authority to adopt criteria for allocation of ventilators during pandemic. — In the event of a catastrophic influenza pandemic, the Governor has authority to adopt criteria for the allocation of ventilators if the Governor has declared a catastrophic health emergency under the Catastrophic Health Emergencies Act, regardless of whether this authority relates to withholding treatment in the first instance or withdrawing treatment already begun. 100 Op. Att'y Gen. 160 (December 28, 2015).

DHMH lacks independent authority to adopt criteria for allocation of ventilators during pandemic. — In the event of a catastrophic influenza pandemic, the Department of Health and Mental Hygiene [Maryland Department of Health] lacks independent authority to adopt criteria for the allocation of ventilators, regardless of whether this authority relates to withholding treatment in the first instance or withdrawing treatment already begun. 100 Op. Att'y Gen. 160 (December 28, 2015).

§ 14-3A-04. Isolation or quarantine after refusal to be tested or treated.

The Secretary may require an individual to go to and remain in a place of isolation or quarantine until the Secretary determines that the individual no longer poses a substantial risk of transmitting a disease or condition to the public if the individual:

- (1) is a competent adult; and
- (2) refuses an order under § 14-3A-03(b)(3) of this subtitle for:
 - (i) vaccination;
 - (ii) medical examination;
 - (iii) treatment; or
 - (iv) testing. (2004, ch. 26, § 2.)

§ 14-3A-05. Directive for isolation or quarantine.

(a) *In general.* — If the Secretary or other designated official requires an individual or a group of individuals to go to and remain in places of isolation or quarantine under § 14-3A-03(b)(3) of this subtitle, the Secretary shall issue a directive to the individual or group of individuals.

(b) *Contents and notice.* — (1) The directive shall specify:

(i) the identity of the individual or group of individuals that are subject to isolation or quarantine;

(ii) the premises that are subject to isolation or quarantine;

(iii) the date and time when the isolation or quarantine starts;

(iv) the suspected deadly agent causing the outbreak or disease, if known;

(v) the justification for the isolation or quarantine; and

(vi) the availability of a hearing to contest the directive.

(2) Except as provided in paragraph (3) of this subsection, the directive shall be:

(i) in writing; and

(ii) given to those subject to the directive before the directive takes effect.

(3) (i) If the Secretary or other designated official determines that the notice required in paragraph (2) of this subsection is impractical because of the number of individuals or geographical areas affected, the Secretary or other designated official shall ensure that the affected individuals are fully informed of the directive using the best possible means available.

(ii) If the directive applies to a group of individuals and it is impractical to provide individual written copies under paragraph (2) of this subsection, the written directive may be posted in a conspicuous place in the isolation or quarantine premises.

(c) *Hearing.* — (1) An individual or group of individuals isolated or quarantined under § 14-3A-03(b)(3) of this subtitle may request a hearing in a circuit court to contest the isolation or quarantine.

(2) A request for a hearing does not stay or enjoin an isolation or quarantine directive.

(3) A court that receives a request under this subsection shall hold a hearing within 3 days after receipt of the request.

(4) In any proceedings brought for relief under this subsection, the court may extend the time for a hearing:

(i) if the Secretary or other designated official shows that extraordinary circumstances exist that justify the extension; and

(ii) after considering the rights of the affected individual or group of individuals, the protection of the public health, the severity of the catastrophic health emergency, and the availability of any necessary witnesses and evidence.

(5) (i) The court shall grant the request for relief unless the court determines that the isolation or quarantine directive is necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent.

(ii) The court in making its determination may consider, if feasible, the means of transmission, the degree of contagion, and, to the extent possible, the degree of public exposure to the disease.

(6) Subject to paragraph (7) of this subsection, if the court issues an order that authorizes the isolation or quarantine, the order shall:

- (i) identify the isolated or quarantined individual or group of individuals by name or shared characteristics;
- (ii) specify factual findings warranting isolation or quarantine; and
- (iii) be in writing and given to the individual or group of individuals.

(7) If the court determines that the delivery required by paragraph (6)(iii) of this subsection is impractical because of the number of individuals or geographical area affected, the court shall ensure that the affected individuals are fully informed of the order using the best possible means available.

(d) *Duration of court order.* — (1) An order under subsection (c) of this section may authorize isolation or quarantine for not more than 30 days.

(2) Before the order expires, the Secretary or designated official may request the court to continue the isolation or quarantine for additional 30-day periods.

(3) The court shall base its decision on the standards provided under subsection (c)(5) of this section.

(e) *Inability to appear.* — If an individual cannot appear personally before the court, proceedings may be conducted:

- (1) by the individual's authorized representative; and
- (2) in a way that allows full participation by other individuals.

(f) *Procedures.* — (1) Subject to any emergency rules that the Court of Appeals adopts under paragraph (3) of this subsection, the court may order the consolidation of individual claims into group claims in proceedings brought under this section if:

- (i) the large number of individuals involved or affected makes individual participation impractical;
- (ii) questions of law or fact that are common to the individual claims or rights must be determined;
- (iii) the group claims or rights to be determined are typical of the affected individual's claims or rights; or
- (iv) the entire group will be adequately represented in the consolidation.

(2) The Court of Appeals shall appoint counsel to represent individuals or a group of individuals who are not otherwise represented by counsel.

(3) The Court of Appeals shall adopt emergency rules of procedure to facilitate the efficient adjudication of proceedings brought under this section. (2004, ch. 26, § 2.)

§ 14-3A-06. Immunity.

A health care provider is immune from civil or criminal liability if the health care provider acts in good faith and under a catastrophic health emergency proclamation. (2004, ch. 26, § 2.)

Immunity from liability of hospital or clinician for allocation of ventilators during pandemic. — A hospital or clinician would not risk liability if, under State-adopted criteria for the allocation of ventilators, the hospital removed a patient from a ventilator to make the device available to another patient under

the statute that provides that a health care provider is immune from civil or criminal liability if the health care provider acts in good faith and under a catastrophic health emergency proclamation. 100 Op. Att’y Gen. 160 (December 28, 2015).

§ 14-3A-07. Construction.

The authority granted under this subtitle is in addition to, and not in derogation of, any other authority that the Governor, the Secretary, or any other public official may exercise under other law. (2004, ch. 26, § 2.)

§ 14-3A-08. Failure to comply.

(a) *Prohibited.* — (1) Except as provided in subsection (b) of this section, a person may not knowingly and willfully fail to comply with an order, requirement, or directive issued under this subtitle.

(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

(b) *Penalty.* — (1) A health care practitioner, as defined in § 19-114(e) of the Health - General Article, may not knowingly and willfully fail to comply with § 14-3A-03(c) of this subtitle.

(2) A health care practitioner who fails to comply with paragraph (1) of this subsection shall be subject to discipline under § 1-219 of the Health Occupations Article. (2004, ch. 26, § 2; 2011, chs. 230, 231.)

Subtitle 8. Maryland Emergency Management Assistance Compact.

§ 14-801. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Authorized representative.* — “Authorized representative” means an employee of a local jurisdiction authorized by the senior elected official of that jurisdiction to request, offer, or provide assistance under the terms of the compact.

(c) *Compact.* — “Compact” means the Maryland Emergency Management Assistance Compact.

(d) *Emergency responder.* — (1) “Emergency responder” means an individual who is sent or directed by a party jurisdiction in response to a request for assistance by another party jurisdiction.

(2) “Emergency responder” includes a:

- (i) career or volunteer firefighter within this State;
- (ii) career or volunteer emergency medical services provider, as defined in § 13-516 of the Education Article, within this State;
- (iii) career or volunteer rescue squad member within this State;
- (iv) county employee who is performing an emergency support function described in § 14-803(2)(b)(5)(ii) of this subtitle; and

(v) law enforcement officer as defined in § 3-101 of this article.

(e) *Jurisdictions*. — “Jurisdictions” means the 23 counties within Maryland, Baltimore City, the City of Annapolis, and Ocean City.

(f) *Senior elected official*. — “Senior elected official” means:

(1) the mayor;

(2) the county executive; or

(3) for a county that does not have a county executive, the president of the board of county commissioners or county council or other chief executive officer of the county. (An. Code 1957, art. 16A, § 37; 2003, ch. 5, § 2; 2007, ch. 620; 2011, ch. 65, § 5; 2016, chs. 673, 674.)

Effect of amendments. — Chapters 673 and 674, Acts 2016, effective October 1, 2016, enacted pursuant to Art. II, § 17(c) of the Maryland Constitution without the Governor’s

signature, made identical changes. Each reenacted (a) without change and in (e) added “the City of Annapolis.”

§ 14-802. Participation with other jurisdictions.

The Maryland Emergency Management Assistance Compact is entered into with all other jurisdictions that adopt the Compact in a form substantially similar to the Compact set forth in this subtitle. (An. Code 1957, art. 16A, § 38; 2003, ch. 5, § 2; 2007, ch. 620.)

§ 14-803. Maryland Emergency Management Assistance Compact.

(1) ARTICLE 1. PURPOSE.

(a) (1) The purpose of this Compact is to provide for mutual assistance between the jurisdictions entering into this Compact in managing an emergency.

(2) This Compact also shall provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment or personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions during emergencies.

(2) ARTICLE 2. REQUESTS FOR ASSISTANCE.

(b) (1) The senior elected official of each jurisdiction shall designate an authorized representative. The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction.

(2) The provisions of this Compact shall apply only to requests for assistance made by and to authorized representatives.

(3) Requests may be verbal or in writing.

(4) If verbal, the request shall be confirmed in writing at the earliest possible date, but no later than 10 calendar days following the verbal request.

(5) Written requests shall provide the following information:

(i) A description of the emergency support function for which assistance is needed;

(ii) The emergency support function shall include, but not be limited to, fire services, law enforcement, emergency medical services, transportation,

communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

(iii) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed; and

(iv) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(6) There shall be frequent consultations between the Maryland Emergency Management Agency and appropriate representatives of the party jurisdictions with free exchange of information and plans generally relating to emergency capabilities.

(7) A senior elected official or an authorized representative will advise the Maryland Emergency Management Agency of verbal requests and provide copies of written requests.

(3) ARTICLE 3. LIMITATIONS.

(c) (1) Any jurisdiction which is a party to this Compact and which receives a request for assistance shall take such actions as are necessary to provide requested resources.

(2) Any jurisdiction may withhold resources to the extent necessary to provide reasonable protection to its own jurisdiction.

(3) Each party jurisdiction shall afford to the emergency responders of any party jurisdiction operating within the requesting jurisdiction under the terms and conditions of this Compact, the same powers, duties, rights, and privileges as are afforded those of the jurisdiction in which they are performing emergency services.

(4) Emergency responders will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the requesting jurisdiction.

(5) Emergency responders shall have the same powers, duties, rights, and privileges as personnel of the requesting jurisdiction correspondent to performing the same function.

(6) (i) The provisions of this article shall only take effect:

1. Subsequent to a local declaration of a state of emergency by the requesting jurisdiction; or

2. Upon commencement of exercises, testing, or training for mutual aid.

(ii) The provisions of this article shall continue as long as:

1. The exercises, testing, or training for the mutual aid are in progress;

2. The state of emergency or the disaster remains in effect; or

3. Loaned resources remain in the requesting jurisdiction.

(4) ARTICLE 4. LIABILITY.

(d) (1) Officers or emergency responders of a party jurisdiction rendering aid in another jurisdiction pursuant to this Compact shall be considered agents of the requesting jurisdiction for tort liability and immunity purposes.

(2) No party jurisdiction or its officers or emergency responders rendering aid in another jurisdiction pursuant to this Compact shall be liable on account of any act or omission in good faith on the part of responding personnel while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

(3) Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

(5) ARTICLE 5. SUPPLEMENTARY AGREEMENTS.

(e) (1) Nothing in this Compact shall:

(i) Preclude any jurisdiction from entering into supplementary agreements with another jurisdiction; or

(ii) Affect any other agreements between jurisdictions.

(2) Supplementary agreements may include, but are not limited to:

(i) Provisions for evacuation and reception of injured and other persons; and

(ii) The exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies.

(6) ARTICLE 6. REIMBURSEMENT.

(f) (1) Each party jurisdiction shall provide for the payment of workers' compensation and death benefits to injured members of the emergency responders of its own jurisdiction.

(2) The requesting jurisdiction will reimburse the responding jurisdiction for all reasonable and necessary expenses incurred by the responding jurisdiction provided that any responding jurisdiction may:

(i) Assume in whole or in part such loss, damage, expense, or other cost;

(ii) Loan equipment or donate services to the requesting jurisdiction without charge or cost; and

(iii) Agree to any allocation of expenses between the responding and requesting jurisdiction.

(3) Any two or more jurisdictions may enter into supplemental agreements establishing a different allocation of costs among those jurisdictions.

(4) Records of expenses incurred in sufficient detail to satisfy auditing requirements shall be submitted by the responding jurisdiction as soon as possible following the termination of the assistance provided.

(7) ARTICLE 7. IMPLEMENTATION.

(g) (1) Party jurisdictions are encouraged to consult frequently with each other and with the Maryland Emergency Management Agency and to exchange information and plans relating to emergency management.

(2) This Compact shall become effective immediately upon its enactment into law by local jurisdictions.

(3) Any party jurisdiction may withdraw from this Compact by enacting a repeal of the same but no such withdrawal shall take effect until 30 days after the senior elected official of the withdrawing jurisdiction has given notice in writing of such withdrawal to the senior elected officials of all party jurisdictions.

(4) Withdrawal from the Compact shall not relieve the withdrawing jurisdiction from obligations assumed under Article 4 or Article 6 of this Compact prior to the effective date of withdrawal.

(5) Authenticated copies of this Compact and of such supplementary agreements as may be entered into shall at the time of their approval be retained by each party jurisdiction and with the Maryland Emergency Management Agency.

(8) ARTICLE 8. VALIDITY.

(h) (1) This Compact shall be construed to effectuate the purposes stated in Article 1 hereof.

(2) If any part or provision of this Compact or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Compact which can be given effect without the invalid provision or application, and for this purpose the provisions of this Compact are declared severable. (An. Code 1957, art. 16A, § 39; 2003, ch. 5, § 2; 2016, chs. 673, 674.)

Effect of amendments. — Chapters 673 and 674, Acts 2016, effective October 1, 2016, enacted pursuant to Art. II, § 17(c) of the Maryland Constitution, reenacted (1) and (2) without change.

REAL PROPERTY.

Title 8.

Landlord and Tenant.

Subtitle 1. General Rules.

Sec.

- 8-112. Termination of tenancy for fire or unavoidable accident.
8-113. Effect of covenant to surrender premises in good repair.

Title 10.

Sales of Property.

Subtitle 7. Contracts of Sale — Miscellaneous Provisions.

Sec.

- 10-702. Single family residential real property disclosure requirements.

Editor's note. — Many of the cases appearing in the notes to this article were decided under the former statutes. These earlier cases have been retained under pertinent sections of

this article where it is thought that such cases will be of value in interpreting the present statutes.

TITLE 8.

LANDLORD AND TENANT.

Subtitle 1. General Rules.

§ 8-112. Termination of tenancy for fire or unavoidable accident.

If the improvements on property rented for a term of not more than seven years become untenable by reason of fire or unavoidable accident, the tenancy terminates, and all liability for rent ceases on payment proportionately to the day of fire or unavoidable accident. (An. Code 1957, art. 21, § 8-208; 1974, ch. 12, § 2.)

University of Baltimore Law Review. — For article, "An Analysis of the Maryland Mobile Home Park Act: A Need for Amendment," see 8 U. Balt. L. Rev. 271 (1979).

Intent of section. — This section was intended to change the common law rule as to the liability of a tenant for rent, in case the improvements on the property became untenable by reason of fire or unavoidable accident, and it also provides that the tenancy should be terminated. *Spear v. Baker*, 117 Md. 570, 84 A. 62 (1912).

Section does not prohibit agreements in lease. — There is nothing in this section or in the policy of the law which prohibits lessors and lessees from making their own contracts with regard to improvements on the property being rendered untenable by reason of fire or unavoidable accident. If a lease does not provide for such contingencies, then the statute controls, in cases to which it is applicable, just as the common law did when the parties did not provide for them, but there is no reason that the parties should be prohibited from contract-

ing in reference to them. *Spear v. Baker*, 117 Md. 570, 84 A. 62 (1912); *Standard Indus., Inc. v. Alexander Smith, Inc.*, 214 Md. 214, 133 A.2d 460 (1957).

Where property can be restored by ordinary repairs. — Where lease provides for termination of tenancy in case property is destroyed or made untenable by fire, tenancy is not terminated if property can be restored by ordinary repairs in a few days. *Barry v. Herring*, 153 Md. 457, 138 A. 266 (1927); *Standard Indus., Inc. v. Alexander Smith, Inc.*, 214 Md. 214, 133 A.2d 460 (1957).

"Substantial destruction" construed. — For substantial destruction to occur within the meaning of a provision of a lease giving the right to terminate in such case, the destruction must be such as to render the premises permanently untenable or such that restoration would be practically the equivalent of a new building, or so extensive that the demised building, as a practical matter, lost its character as a building. *Standard Indus., Inc. v. Alexander Smith, Inc.*, 214 Md. 214, 133 A.2d 460 (1957).

§ 8-113. Effect of covenant to surrender premises in good repair.

A covenant or promise by the tenant to leave, restore, surrender, or yield the leased premises in good repair does not bind the tenant to erect any similar building or pay for any building destroyed by fire or otherwise without negligence or fault on the tenant's part. (An. Code 1957, art. 21, § 8-210; 1974, ch. 12, § 2; 1999, ch. 219.)

University of Baltimore Law Review. — For article, “An Analysis of the Maryland Mobile Home Park Act: A Need for Amendment,” see 8 U. Balt. L. Rev. 271 (1979).

Tenant's liability. — This section provides that a covenant by a tenant to restore, surrender, or yield leased premises in good repair does not bind the tenant to erect or pay for any building destroyed by fire or otherwise without negligence or fault on the tenant's part, and the implication from that statute is that such a clause, standing alone and in the absence of any inconsistent provision, will obligate the tenant to restore premises damaged as a result of the tenant's negligence or fault. *Rausch v. Allstate Ins. Co.*, 388 Md. 690, 882 A.2d 801 (2005).

Tenant not liable for destruction by fire.

— In a case in which a landlord alleged that a tenant's failure to properly secure leased premises was a proximate cause of damages resulting from a fire that was started by a third party, the tenant was entitled to summary judgment on the landlord's breach of contract claim because the tenant owed the landlord no duty to secure the property against the unforeseeable criminal acts of a third party, and the landlord could not use a “good repair” clause in a lease to recover damages for the destruction of a building by fire, absent a showing of negligence or fault on the tenant's part. *Evergreen Assocs., LLC v. Crawford*, 214 Md. App. 179, 75 A.3d 1038 (2013).

TITLE 10.

SALES OF PROPERTY.

Subtitle 7. Contracts of Sale — Miscellaneous Provisions.

§ 10-702. Single family residential real property disclosure requirements.

(a) *“Latent defects” defined.* — In this section, “latent defects” means material defects in real property or an improvement to real property that:

(1) A purchaser would not reasonably be expected to ascertain or observe by a careful visual inspection of the real property; and

(2) Would pose a direct threat to the health or safety of:

(i) The purchaser; or

(ii) An occupant of the real property, including a tenant or invitee of the purchaser.

(b) *Applicability of section.* — (1) This section applies only to single family residential real property improved by four or fewer single family units.

(2) This section does not apply to:

(i) The initial sale of single family residential real property:

1. That has never been occupied; or

2. For which a certificate of occupancy has been issued within 1 year before the vendor and purchaser enter into a contract of sale;

(ii) A transfer that is exempt from the transfer tax under § 13-207 of the Tax - Property Article, except land installment contracts of sale under

§ 13-207(a)(11) of the Tax - Property Article and options to purchase real property under § 13-207(a)(12) of the Tax - Property Article;

(iii) A sale by a lender or an affiliate or subsidiary of a lender that acquired the real property by foreclosure or deed in lieu of foreclosure;

(iv) A sheriff's sale, tax sale, or sale by foreclosure, partition, or by court appointed trustee;

(v) A transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;

(vi) A transfer of single family residential real property to be converted by the buyer into a use other than residential use or to be demolished; or

(vii) A sale of unimproved real property.

(c) *Duty of vendor; development of form.* — (1) A vendor of single family residential real property shall complete and deliver to each purchaser:

(i) A written residential property condition disclosure statement on a form provided by the State Real Estate Commission; or

(ii) A written residential property disclaimer statement on a form provided by the State Real Estate Commission.

(2) The State Real Estate Commission shall develop by regulation a single standardized form that includes the residential property condition disclosure and disclaimer statements required by this subsection.

(d) *Contents of residential property disclaimer statement.* — The residential property disclaimer statement shall:

(1) Disclose any latent defects of which the vendor has actual knowledge that a purchaser would not reasonably be expected to ascertain by a careful visual inspection and that would pose a direct threat to the health or safety of the purchaser or an occupant; and

(2) State that:

(i) Except for latent defects disclosed under item (1) of this subsection, the vendor makes no representations or warranties as to the condition of the real property or any improvements on the real property; and

(ii) The purchaser will be receiving the real property "as is", with all defects, including latent defects, that may exist, except as otherwise provided in the contract of sale of the real property.

(e) *Contents of residential property disclosure statement.* — (1) The residential property disclosure statement shall disclose those items that, to carry out the provisions of this section, the State Real Estate Commission requires to be disclosed about the physical condition of the property.

(2) The disclosure form shall include a list of defects, including latent defects, or information of which the vendor has actual knowledge in relation to the following:

(i) Water and sewer systems, including the source of household water, water treatment systems, and sprinkler systems;

(ii) Insulation;

(iii) Structural systems, including the roof, walls, floors, foundation, and any basement;

(iv) Plumbing, electrical, heating, and air conditioning systems;

(v) Infestation of wood-destroying insects;

- (vi) Land use matters;
- (vii) Hazardous or regulated materials, including asbestos, lead-based paint, radon, underground storage tanks, and licensed landfills;
- (viii) Any other material defects of which the vendor has actual knowledge;

- (ix) Whether the smoke alarms:
 - 1. Will provide an alarm in the event of a power outage;
 - 2. Are over 10 years old; and
 - 3. If battery operated, are sealed, tamper resistant units incorporating a silence/hush button and use long-life batteries as required in all Maryland homes by 2018; and

(x) If the property relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation, whether a carbon monoxide alarm is installed on the property.

(3) The disclosure form shall contain:

(i) A notice to prospective purchasers and vendors that the prospective purchaser or vendor may wish to obtain professional advice about or an inspection of the property;

(ii) A notice to prospective purchasers that disclosure by the seller is not a substitute for an inspection by an independent home inspection company, and that the purchaser may wish to obtain such an inspection;

(iii) A notice to purchasers that the information contained in the disclosure statement is the representation of the vendor and is not the representation of the real estate broker or salesperson, if any; and

(iv) A notice to purchasers that the information contained in the disclosure statement is not a warranty by the vendor as to:

1. The condition of the property of which the vendor has no actual knowledge; or

2. Other conditions of which the vendor has no actual knowledge.

(4) The vendor is not required to undertake or provide an independent investigation or inspection of the property in order to make the disclosures required by this section.

(f) *Delivery of disclosure or disclaimer statement.* — (1) Except as provided in paragraphs (2) and (3) of this subsection, the vendor shall deliver the completed disclosure or disclaimer statement required by this section to the purchaser on or before entering into a contract of sale by the vendor and the purchaser.

(2) The disclosure or disclaimer statement shall be delivered to each purchaser before the execution of the contract of sale by the purchaser in the case of a land installment contract, as defined in § 10-101 of this title.

(3) The disclosure or disclaimer statement shall be delivered to each purchaser before the execution by the purchaser of an option to purchase agreement or a lease agreement containing an option to purchase provision.

(4) At the time the disclosure or disclaimer statement is delivered, each purchaser shall date and sign a written acknowledgment of receipt, which shall be included in or attached to the contract of sale.

(g) *Right to rescission — Limitations.* — A purchaser who receives the disclosure or disclaimer statement on or before entering into the contract of

sale does not have the right to rescind the contract of sale based upon the information contained in the statement.

(h) *Right to rescission — Accrual; termination.* — (1) A purchaser who does not receive the disclosure or disclaimer statement on or before entering into the contract of sale has the unconditional right, upon written notice to the vendor or vendor's agent:

(i) To rescind the contract of sale at any time before the receipt of the disclosure or disclaimer statement or within 5 days following receipt of the disclosure or disclaimer statement; and

(ii) To the immediate return of any deposits made on account of the contract.

(2) A purchaser's right to rescind the contract of sale under this subsection terminates if not exercised:

(i) Before making a written application to a lender for a mortgage loan, if the lender discloses in writing at or before the time application is made that the right to rescind terminates on submission of the application; or

(ii) Within 5 days following receipt of a written disclosure from a lender who has received the purchaser's application for a mortgage loan, if the lender's disclosure states that the purchaser's right to rescind terminates at the end of that 5-day period.

(3) The return of any deposits held in trust by a licensed real estate broker to a purchaser under this subsection shall comply with the procedures set forth in § 17-505 of the Business Occupations and Professions Article.

(i) *Limitation on liability.* — (1) A disclosure statement made under this section does not constitute a warranty by the vendor as to:

(i) The condition of the property of which the vendor has no actual knowledge; or

(ii) Other conditions of which the vendor has no actual knowledge.

(2) A vendor is not liable for an error, inaccuracy, or omission in a disclosure statement made under this section if the error, inaccuracy, or omission was based upon information that was:

(i) Not within the actual knowledge of the vendor;

(ii) Provided to the vendor by a unit or instrumentality of the State government or of a political subdivision; or

(iii) Provided to the vendor by a report or opinion prepared by a licensed engineer, land surveyor, geologist, wood-destroying insect control expert, contractor, or other home inspection expert, dealing with matters within the scope of the professional's license or expertise.

(j) *Expert reports on opinions.* — (1) A report or opinion prepared by an expert shall satisfy the requirement of subsection (i)(2)(iii) of this section if the information is provided to the vendor pursuant to a written or oral request for the information.

(2) In responding to a request for information, the reporting party:

(i) May indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of this section; and

(ii) If so indicating, shall indicate the required disclosures, or parts of required disclosures, to which the information being provided is applicable.

(3) If the reporting party provides the statement under paragraph (2)(ii) of this subsection, the reporting party is not responsible for any items of information, or parts of items, other than those expressly set forth in the statement.

(k) *Waiver of purchaser's rights.* — (1) The rights of a purchaser under this section may not be waived in the contract of sale and any attempted waiver is void.

(2) Any rights of the purchaser to terminate the contract provided by this section are waived conclusively if not exercised before:

(i) Closing or occupancy by the purchaser, whichever occurs first, in the event of a sale; or

(ii) Occupancy, in the event of a lease with option to purchase.

(1) *Notice of purchaser's rights.* — Each contract of sale shall include a conspicuous notice advising the purchaser of the purchaser's rights as set forth in this section.

(m) *Duty of real estate licensee.* — (1) The real estate licensee representing a vendor of residential real property as the listing broker has a duty to inform the vendor of the vendor's rights and obligations under this section.

(2) The real estate licensee representing a purchaser of residential real property, or, if the purchaser is not represented by a licensee, the real estate licensee representing an owner of residential real estate and dealing with the purchaser, has a duty to inform the purchaser of the purchaser's rights and obligations under this section.

(3) If a real estate licensee performs the duties specified in this subsection, the licensee:

(i) Shall have no further duties under this section to the parties to a residential real estate transaction; and

(ii) Is not liable to any party to a residential real estate transaction for a violation of this section. (1993, ch. 640; 1994, ch. 3, § 1; 1995, ch. 3, § 1; ch. 384; 2001, ch. 636; 2005, chs. 135, 548; 2007, ch. 401; 2011, ch. 156; 2013, chs. 594, 595.)

Effect of amendments. — Chapter 401, Acts 2007, effective October 1, 2007, reenacted (c) without change; added (e)(2)(x) and made related changes.

Chapter 156, Acts 2011, effective October 1, 2011, added (h)(3).

Chapters 594 and 595, Acts 2013, effective July 1, 2013, made identical changes. Each substituted "alarms" for "detectors" in the introductory language of (e)(2)(ix); added the (e)(2)(ix)1 designation; added (e)(2)(ix)2 and (e)(2)(ix)3; and made a stylistic change.

Editor's note. — As to application to contracts of sale of real property, land installment contracts, option to purchase agreements, and lease agreements entered into on or after January 1, 1994, see § 2, ch. 640, Acts 1993.

As to prospective application and inapplicability to lease or residential property disclosure statement for existing residential dwelling unit

executed before October 1, 2001, see § 2, ch. 636, Acts 2001.

Maryland Law Review. — For article, "Let the Buyer Be Well Informed? — Doubting the Demise of Caveat Emptor," see 55 Md. L. Rev. 387 (1996).

University of Baltimore Law Forum. — Recent Developments: Romm v. Flax: Court of Appeals Rejects Literal Definition of "Void" as It Appears in the Context of the Real Property Article, 26.3 U. Balt. Law F. 55 (1996).

Purpose. — The main purpose of this section is to provide the buyer with information that permits an informed decision whether to make an offer or, if an offer was already made and accepted, to rescind the contract. 79 Op. Att'y Gen. 402 (March 11, 1994).

A related purpose of the time frames in this section is to ensure finality in transactions by putting limits on the buyer's ability to rescind. 79 Op. Att'y Gen. 402 (March 11, 1994).

Construction of section. — This section should be construed to apply the same time frames to a disclaimer statement as are expressly applied to a disclosure statement; hence, a seller's delivery of a disclaimer statement after the execution of the contract would leave the buyer and the seller in the same position as if the seller delivered a disclosure statement at that time. 79 Op. Att'y Gen. 402 (March 11, 1994).

In addition to outlining the contents of the disclosure and disclaimer statements, this section also attempts to lay out the details of the delivery of the statements, the rights of the buyer upon receipt of a statement, and certain deadlines; unfortunately, the seeming statutory objective, to make uniform the procedures governing disclosure statements and disclaimer statements, given that seller has the freedom to choose which statement to deliver, is not fully carried out in the drafting of the provisions. 79 Op. Att'y Gen. 402 (March 11, 1994).

Rescission rights at option of purchasers only. — Clear legislative intent of this section is to require sellers to deliver a disclosure or disclaimer statement and to grant rescission rights at the option of the purchasers only; a literal interpretation of the term "void" would grant sellers a right of rescission, allow them to benefit from non-compliance with the duty to prepare a disclosure or disclaimer statement, create a new class of option contracts, and alter the common law — results that are unreasonable and inconsistent with the General Assembly's intention in passing this section. *Romm v. Flax*, 340 Md. 690, 668 A.2d 1 (1995).

Disclosure and disclaimer statements distinguished. — Nothing in the legislative history suggests a decision by the General Assembly to differentiate disclosure and disclaimer statements in contexts where no reasoned distinction appears to exist; to the contrary, the legislative history suggests that the omission of a reference to a disclaimer statement in (f) and (g) was the result of an amendment process that focused on policy issues

rather than drafting details. 79 Op. Att'y Gen. 402 (March 11, 1994).

Applicability of (g). — If a seller delivers a disclaimer statement to a buyer after the execution of the contract but not later than three days after execution, the buyer has a right of rescission as specified in (g)(2) just as if the seller delivered a disclosure statement at that time; if a seller delivers a disclaimer statement after that time, (g)(1) applies to the contract, just as it would if a disclosure statement were delivered that late. 79 Op. Att'y Gen. 402 (March 11, 1994).

Failure to provide constituted breach of contract. — Auctioneer, who contracted with seller of real property to provide all forms necessary to produce a sale, breached the auction contract by failing to provide to the buyer of the property the standardized disclaimer or disclosure form created and distributed by the State Real Estate Commission pursuant to this section. *Auction & Estate Representatives, Inc. v. Ashton*, 354 Md. 333, 731 A.2d 441 (1999).

Attorney fee award. — Trial court properly awarded attorney fees to the seller after the trial court granted summary judgment in the sellers' favor on the buyers' complaint against the sellers regarding the buyers' purchase of the sellers' residence; even though the State residential property disclosure statement that contained the purported misrepresentations and which was given to the buyers by the sellers was not part of the real estate sales contract, the real estate sales contract only stated that the relevant dispute had to "arise out of" the real estate sales contract to recover attorney fees, and without the purported misrepresentations on the disclosure statement provided as part of the real estate sales transaction, the dispute would not have arisen. *Stratakos v. Parcels*, 172 Md. App. 464, 915 A.2d 1022 (2007).

Cited in *Julian v. Buonassissi*, 414 Md. 641, 997 A.2d 104 (2010); *Kargbo v. Gaston*, 195 Md. App. 222, 5 A.3d 1231 (2010); *Exxon Mobil Corp. v. Albright*, 432 Md. 67, 67 A.3d 1100 (2013).

STATE FINANCE AND PROCUREMENT.

DIVISION I.

Subtitle 5. Excess and Surplus Property.

STATE FINANCE.

Sec.

4-504. Disposal of property.

Title 4.

Title 7.

Department of General Services.

Appropriations.

Subtitle 3. Procurement.

Subtitle 1. State Operating Budget.

Part II. State Purchase of Supplies.

Part III. Supporting Materials.

Sec.

4-316. Cooperative purchasing.

7-118. Operating expenses of State units.

DIVISION I.

STATE FINANCE.

TITLE 4.

DEPARTMENT OF GENERAL SERVICES.

Subtitle 3. Procurement.

Part II. State Purchase of Supplies.

§ 4-316. Cooperative purchasing.

(a) *In general.* — Subject to the initial approval of the Secretary, the appropriate purchasing unit for the following entities may use the services of the Department to purchase materials, supplies, and equipment:

(1) a county;

(2) a municipality;

(3) a governmental unit in the State;

(4) a public or quasi-public agency that:

(i) receives State money; and

(ii) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code;

(5) a private elementary or secondary school that:

(i) either has been issued a certificate of approval from the State Board of Education or is accredited by the Association of Independent Schools; and

(ii) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code; or

(6) a nonpublic institution of higher education as provided under § 17-106 of the Education Article.

(b) *Purchase of religious materials prohibited.* — Notwithstanding subsection (a)(5) and (6) of this section, the Department may not purchase religious materials on behalf of a private elementary or secondary school or a nonpublic institution of higher education.

(c) *Construction of section.* — The purchasing authority under this section is in addition to, and not a substitution for, the purchasing power of an entity under another law. (2013, ch. 119, § 3.)

REVISOR'S NOTE

Chapter 119, Acts of 2013, which enacted the Local Government Article, also enacted this section, which is new language derived without substantive change from former Art. 25, § 3A and former Art. 41, § 18-201.

In subsection (a) of this section, the former reference to purchasing materials “as provided in Title 4, Subtitle 3 of the State Finance and Procurement Article” is deleted as surplusage.

In the introductory language of subsection (a) of this section, the reference to a purchasing “unit” is substituted for the former reference to a purchasing “entity” for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to “the Purchasing Bureau” of the Department of General Services is deleted as unnecessary because the Secretary of General Services is not required to use the Purchasing Bureau.

Also in the introductory language of subsection (a) of this section, the former inaccurate reference to authority granted to the “county commissioners” is deleted as included in the reference to authority granted to the “appropriate purchasing unit for . . . a county”.

In subsection (a)(1) of this section, the former reference granting cooperative purchasing authority to “Baltimore City” is deleted as included in the reference granting cooperative purchasing authority to all “count[ies]”. See Art. 1, § 14 of the Code, which states that “county” includes Baltimore City, unless such construction is unreasonable.

In subsection (c) of this section, the reference to “purchasing power . . . under another law” is substituted for the former reference to “applicable purchasing power . . . pursuant to any statutory or charter provision” for clarity and brevity.

Also in subsection (c) of this section, the former reference to purchasing authority “through the Department of General Services” is deleted as implicit in the reference to the authority “under this section”.

Also in subsection (c) of this section, the former reference to purchasing power “granted to any county, municipal corporation, the Mayor and City Council of Baltimore, any other governmental agency in this State, or any public or quasi-public agency” is deleted as unnecessary in light of subsection (a) of this section.

Editor’s note. — Section 15, ch. 119, Acts 2013, provides that the act shall take effect October 1, 2013.

Subtitle 5. Excess and Surplus Property.

§ 4-504. Disposal of property.

(a) *In general.* — The Secretary may dispose of excess personal property and surplus personal property as provided in this section.

(b) *Excess personal property.* — (1) Whenever feasible, the Secretary shall dispose of excess personal property by transferring it to another unit of the State government.

(2) The unit of the State government that receives the excess personal property shall pay any cost of the transfer.

(c) *Surplus personal property — In general.* — The Secretary:

(1) may dispose of any surplus personal property; and

(2) shall seek to gain the maximum value for the State in the disposition.

(d) *Surplus personal property — Methods of disposal.* — (1) The Secretary shall dispose of surplus personal property:

(i) by dismantling it for recovery of valuable parts;

(ii) by trading it in;

(iii) by transferring it to a local jurisdiction, public school system, or nonprofit organization;

(iv) by auctioning or selling it, including selling it for scrap value; or

(v) if no value can be realized from it, by destroying it.

(2) If surplus personal property is destroyed under this subsection, the unit of the State government that declared the item to be excess personal property shall pay any cost of destruction.

(e) *Surplus personal property — Delegation of authority.* — The Secretary may delegate the authority to dispose of surplus personal property to a designee of the Secretary or, by regulation, to another unit of the State government. (An. Code 1957, art. 41, §§ 133, 235; 1985, ch. 11, § 2; 2005, ch. 513.)

Custody and control by Commission on Artistic Property of artistic property held by State. — The Commission on Artistic Property has substantial control over its own inventory, but, in order to dispose of State property, it must follow the procedures outlined in the State Finance and Procurement Article. If the property in question is not a valuable painting or other object of decorative art worthy of inclusion in the official inventory of artistic property, the Commission may declare it to be

excess and dispose of it through DGS's excess property program. However, if the property is properly part of the Commission's official inventory, the property may only be transferred with approval from the Board of Public Works. Finally, the Commission may develop a collections management policy without formally promulgating it as a regulation, but only if that policy does not significantly affect the rights of the public. 101 Op. Att'y Gen. 1 (February 8, 2016).

TITLE 7.

APPROPRIATIONS.

Subtitle 1. State Operating Budget.

Part III. Supporting Materials.

§ 7-118. Operating expenses of State units.

(a) *Budget presentation of proposed expenditures under Maryland Emergency Medical System Operations Fund.* — In its annual submission of the proposed budget, the Department of Budget and Management shall provide, for informational purposes, a budget presentation that includes a description of the proposed expenditures under the Maryland Emergency Medical System Operations Fund for the:

- (1) Maryland Institute for Emergency Medical Services Systems;
- (2) R Adams Cowley Shock Trauma Center;
- (3) Maryland Fire and Rescue Institute;
- (4) Aviation Division of the Special Operations Bureau, Department of State Police; and
- (5) grants under the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

(b) *Expenditure overview for Cigarette Restitution Fund programs.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Cancer Program” means the Cancer Prevention, Education, Screening, and Treatment Program established under Title 13, Subtitle 11 of the Health - General Article.

(iii) “Tobacco Program” means the Tobacco Use Prevention and Cessation Program established under Title 13, Subtitle 10 of the Health - General Article.

(2) The budget books shall contain a budget presentation that provides an overview of the proposed expenditures for:

- (i) the Tobacco Program, including the proposed expenditures for:
 - 1. each Component of the Tobacco Program;
 - 2. each program funded under each Component of the Tobacco Program; and
 - 3. each Local Public Health Tobacco Grant;
- (ii) the Cancer Program, including the proposed expenditures for:
 - 1. each Component of the Cancer Program;
 - 2. each program funded under each Component of the Cancer Program;
 - 3. each Local Public Health Cancer Grant;
 - 4. each statewide Academic Health Center Public Health Grant;
 - 5. each statewide Academic Health Center Cancer Research Grant;
 - 6. each statewide Academic Health Center Tobacco-Related Diseases Research Grant; and
 - 7. each statewide Academic Health Center Network Grant; and
- (iii) any other program that is funded with the Cigarette Restitution Fund established under § 7-317 of this title. (An. Code 1957, art. 15A, § 20; 1985, ch. 11, § 2; 1993, ch. 592; 1994, ch. 165, § 3; ch. 166, § 3; 1995, ch. 3, § 2; 1996, ch. 349, § 13; 2000, chs. 17, 18; 2001, ch. 29, § 6; 2004, ch. 452; 2007, ch. 7; 2017, ch. 23, § 1.)

Effect of amendments. — Chapter 7, Acts 2007, effective June 1, 2007, added “StateStat or” in (a)(4).

Section 1, ch. 23, Acts 2017, effective June 1, 2017, enacted pursuant to Art. II, § 17(b) of the Maryland Constitution without the Governor’s signature, deleted (a) and redesignated accordingly.

Editor’s note. — Section 1, ch. 23, Acts 2017, enacted pursuant to art. II, § 17(b) of the Maryland Constitution without the Governor’s signature, repealed former § 7-116 of this article and enacted a new § 7-116 in lieu thereof;

and repealed former §§ 7-117, 7-119, and 7-120 of this article and redesignated §§ 7-118, 7-121, and 7-122 of this article as §§ 7-117, 7-118, and 7-119 of this article.

Health departments. — Except for the Baltimore City Health Department, a local health department is a “unit of State government” under this section; as such, the local health departments must report the classifications and salaries of their officers and employees as operating expenses in the annual State budget. 83 Op. Att’y Gen. Md.142 (May 26, 1998).

STATE GOVERNMENT.

Title 2.

General Assembly.

Subtitle 10A. Miscellaneous Statutory Committees.

Sec.

2-10A-13. Joint Committee on Cybersecurity, Information Technology, and Biotechnology.

Subtitle 12. Staff and Services — Department of Legislative Services.

Part IV. Office of Legislative Audits.

2-1220. Required and authorized audits.

Subtitle 17. Prohibited Acts; Penalties.

Sec.

2-1702. Interference with legislative process.

Title 9.

Miscellaneous Executive Agencies.

Subtitle 25. Maryland Security Council.

9-2501 to 9-2509. [Repealed].

Title 13.

Emblems; Commemorative Days.

Subtitle 4. Commemorative Days.

13-409. [Repealed].

TITLE 2.

GENERAL ASSEMBLY.

Subtitle 10A. Miscellaneous Statutory Committees.

§ 2-10A-13. Joint Committee on Cybersecurity, Information Technology, and Biotechnology.

(a) *Established.* — There is a Joint Committee on Cybersecurity, Information Technology, and Biotechnology.

(b) *Members.* — The Committee consists of the following 12 members:

(1) six members of the Senate of Maryland, appointed by the President of the Senate; and

(2) six members of the House of Delegates, appointed by the Speaker of the House.

(c) *Tenure.* — The members of the Committee serve at the pleasure of the presiding officer who appointed them.

(d) *Cochairs.* — The President and the Speaker shall appoint jointly a Senator and a Delegate to serve as cochairs who shall alternate in serving as the presiding chair of the Committee each year.

(e) *Duties; annual report.* — The Committee shall:

(1) work to broaden the support, knowledge, and awareness of advances in cybersecurity, information technology, and biotechnology to benefit the people of Maryland;

(2) evaluate State cybersecurity systems and the adequacy of economic development and job skills training programs to advance cybersecurity in the State;

(3) make recommendations regarding actions to promote cybersecurity, information technology, and biotechnology industries in the State; and

(4) examine and evaluate additional cybersecurity-, information technology-, or biotechnology-related issues as designated by the cochairs of the Committee.

(f) *Annual reports.* — The Committee shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of this title, the Legislative Policy Committee, the Senate Finance Committee, and the House Economic Matters Committee on or before December 31 of each year. (2009, ch. 140; 2014, ch. 464, § 1; 2015, ch. 58; 2019, ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Section 1, ch. 464, Acts 2014, effective June 1, 2014, rewrote (a) and (e).

Chapter 58, Acts 2015, effective June 1, 2015, substituted “December 31” for “December 1” in (f).

Editor’s note. — Section 15, ch. 464, Acts 2014, provides that “it is the intent of the General Assembly that any provision enacted by this Act or any other Act of the General Assembly of 2014 that relates to:

“(a) The Joint Advisory Committee on Legislative Data Systems or the Joint Committee on Transparency and Open Government shall be considered to apply to the Joint Committee on

Legislative Information Technology and Open Government established under Section 1 of this Act; and

“(b) The Joint Information Technology and Biotechnology Committee shall be considered to apply to the Joint Committee on Cybersecurity, Information Technology, and Biotechnology established under Section 1 of this Act.”

Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

Subtitle 12. Staff and Services — Department of Legislative Services.

Part IV. Office of Legislative Audits.

§ 2-1220. Required and authorized audits.

(a) *State units.* — (1) In this subsection, “unit” includes each State department, agency, unit, and program, including each clerk of court and each register of wills.

(2) (i) The Office of Legislative Audits shall conduct a fiscal/compliance audit of each unit of the State government, except for units in the Legislative Branch.

(ii) The audit of each unit shall be conducted at an interval ranging from 3 to 4 years unless the Legislative Auditor determines, on a case-by-case basis, that more frequent audits are required.

(iii) In determining the audit interval for a unit, the Office of Legislative Audits shall take into consideration:

1. the materiality and risk of the unit’s fiscal activities with respect to the State’s fiscal activities;
2. the complexity of the unit’s fiscal structure; and
3. the nature and extent of audit findings in the unit’s prior audit reports.

(iv) Each agency or program may be audited separately or as part of a larger organizational unit of State government.

(3) Performance audits or financial statement audits shall be conducted when authorized by the Legislative Auditor, when directed by the Joint Audit and Evaluation Committee or the Executive Director, or when otherwise required by law.

(4) (i) In addition to the audits required under paragraph (2) of this subsection, the Office of Legislative Audits may conduct a review when the

objectives of the work to be performed can be satisfactorily fulfilled without conducting an audit as prescribed in § 2-1221 of this subtitle.

(ii) 1. The Office of Legislative Audits has the authority to conduct a separate investigation of an act or allegation of fraud, waste, or abuse in the obligation, expenditure, receipt, or use of State resources.

2. The Legislative Auditor shall determine whether an investigation shall be conducted in conjunction with an audit undertaken in accordance with this subsection or separately.

(5) If, on request of the Comptroller, the Joint Audit and Evaluation Committee so directs, the Office of Legislative Audits shall audit or review a claim that has been presented to the Comptroller for payment of an expenditure or disbursement and that is alleged to have been made by or for an officer or unit of the State government.

(6) The Office of Legislative Audits shall conduct an audit or review to determine the accuracy of information about or procedures of a unit of the State government, as directed by the Joint Audit and Evaluation Committee or the Executive Director.

(b) *Corporations and associations.* — If the General Assembly, by resolution, or the Joint Audit and Evaluation Committee so directs, the Office of Legislative Audits shall conduct an audit or review of a corporation or association to which the General Assembly has appropriated money or that has received funds from an appropriation from the State Treasury.

(c) *County officers and units.* — The Office of Legislative Audits may audit any county officer or unit that collects State taxes.

(d) *Taxing districts; community colleges; boards of education; library boards.* — (1) The Office of Legislative Audits shall review any audit report prepared under the authority of:

(i) §§ 16-305 through 16-308 of the Local Government Article, with respect to a county, municipal corporation, or taxing district; or

(ii) § 16-315 of the Education Article, with respect to a community college.

(2) The results of any review made by the Office of Legislative Audits under paragraph (1) of this subsection shall be reported as provided in § 2-1224 of this subtitle.

(e) *Local school systems.* — (1) Except as provided in paragraph (4) of this subsection, at least once every 6 years, the Office of Legislative Audits shall conduct an audit of each local school system to evaluate the effectiveness and efficiency of the financial management practices of the local school system.

(2) The audits may be performed concurrently or separately.

(3) The Office of Legislative Audits shall provide information regarding the audit process to the local school system before the audit is conducted.

(4) (i) Subject to the limitation under subparagraph (ii) of this paragraph, beginning in fiscal year 2017, a local school system shall be exempt from the audit requirement under paragraph (1) of this subsection if the county governing body, the county board of education, and the county delegation to the Maryland General Assembly consisting of the county senators and delegates each submits a letter to the Joint Audit and Evaluation Committee requesting

an exemption on or before November 1 of fiscal year 2017, or on or before November 1 of the last year of a 6-year audit cycle under paragraph (1) of this subsection, as determined by the Office of Legislative Audits.

(ii) A local school system may not be exempt for two consecutive 6-year audit cycles.

(5) Notwithstanding paragraph (4) of this subsection, the Joint Audit and Evaluation Committee may direct the Office of Legislative Audits to conduct an audit of a local school system at any time.

(f) *Board of Liquor License Commissioners for Baltimore City, City of Annapolis, or a county.* — (1) At least once every 4 years, the Office of Legislative Audits shall conduct a performance audit of the Board of Liquor License Commissioners for Baltimore City to evaluate the effectiveness and efficiency of the management practices of the Board and of the economy with which the Board uses resources.

(2) At any time on request of the President and the Speaker, the Office shall conduct a performance audit of the local licensing board, as defined in § 1-101 of the Alcoholic Beverages Article, for a county or for the City of Annapolis to evaluate the effectiveness and efficiency of the management practices of the board and of the economy with which the board uses resources.

(3) The performance audit shall focus on operations relating to liquor inspections, licensing, disciplinary procedures, and management oversight.

(g) *Board of Liquor License Commissioners for Prince George's County.* — (1) Beginning on July 1, 2017, and at least once every 3 years thereafter, the Office of Legislative Audits shall conduct a performance audit of the Board of License Commissioners for Prince George's County to evaluate the effectiveness and efficiency of the management practices of the Board and of the economy with which the Board uses resources.

(2) The performance audit shall focus on operations relating to liquor inspections, licensing, disciplinary procedures, and management oversight.

(h) *Audit.* — (1) Beginning July 1, 2020, and at least once every 6 years thereafter, the Office of Legislative Audits shall conduct an audit of the Baltimore Police Department to evaluate the effectiveness and efficiency of the financial management practices of the Baltimore Police Department.

(2) The Office of Legislative Audits shall provide information regarding the audit process to the Baltimore Police Department before the audit is conducted. (An. Code 1957, art. 40, §§ 61B, 61D; 1984, ch. 284, § 1; 1992, ch. 598; 1994, ch. 750; 1997, ch. 264, § 1; ch. 635, §§ 2, 9; ch. 636, §§ 2, 9; 2004, ch. 148; 2006, ch. 512; 2010, chs. 58, 59; 2011, ch. 263; 2013, ch. 136; 2016, ch. 8, § 5; chs. 49, 261; 2017, chs. 524, 811, 812; 2019, ch. 73; ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Chapter 136, Acts 2013, effective October 1, 2013, substituted “§§ 16-305 through 16-308 of the Local Government Article” for “Article 19, § 40 of the Code” in (d)(1)(i).

Chapter 49, Acts 2016, effective July 1, 2016, deleted “At least once every 3 years” at the beginning of (a)(2)(i); added (a)(2)(ii) and redesignated accordingly; in the introductory lan-

guage of (a)(2)(iii) substituted “interval” for “schedule”; and in (f)(1) substituted “4 years” for “3 years.”

Chapter 261, Acts 2016, effective October 1, 2016, rewrote (e).

Chapter 524, Acts 2017, effective October 1, 2017, added (f)(2) and redesignated accordingly.

Chapters 811 and 812, Acts 2017, enacted May 27, 2017, pursuant to Article II, § 17(c) of

the Maryland Constitution without the Governor's signature, and effective from date of enactment, added (g).

Chapter 73, Acts 2019, effective October 1, 2019, added (h).

Editor's note. — Section 3, ch. 148, Acts 2004, provides that “the first group of audits required under § 2-1220(f)(1) [now (e)(1)] of the State Government Article shall include audits of any local school system with a negative fund balance in the general fund of 1% or more of general fund revenue in either of the prior 2 fiscal years. Thereafter, the Office of Legislative Audits shall give priority in the order of audits to local school systems that have failed to comply with any of the provisions of this Act.”

Section 2, ch. 263, Acts 2011, provides that “the Office of Legislative Audits shall initiate its first audit of the Board of Liquor License Commissioners for Baltimore City under this Act on or before November 1, 2011.”

Section 5, ch. 8, Acts 2016, provides that “the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.” Pursuant to § 5, ch. 8, Acts 2016, “two” was substituted for “2” in (e)(4)(ii).

Section 4, chs. 510 and 511, Acts 2019, effective July 1, 2019, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The pub-

lisher shall adequately describe any correction that is made in an editor's note following the section affected.” Pursuant to § 4, chs. 510 and 511, Acts 2019, “Joint Audit and Evaluation Committee” was substituted for “Joint Audit Committee” in (a)(3), (a)(5), (a)(6), (b), (e)(4)(i), and (e)(5).

Bill review letter. — Chapters 811 and 812, Acts 2017, (House Bill 1317 and Senate Bill 488) were approved for constitutionality and legal sufficiency. The effect of these bills is to make members and employees of the Prince George's County Board of License Commissioners subject to both State and local ethics provisions. (Letter of Attorney General dated April 28, 2017.)

Construction of authority. — General auditing authority of Legislative Auditor is not to be narrowly construed. 63 Op. Att'y Gen. 453 (1978).

Inquiry into performance of State agencies. — The Legislative Auditor has broad authority to inquire into the performance of State agencies and to examine their records in making an assessment of their performance. 63 Op. Att'y Gen. 453 (1978).

Court clerk is State official. — In an action in which plaintiff alleged that defendant, a clerk of a circuit court for a county, failed to correct an ongoing policy of improperly recording judgments of conviction and that defendant's erroneous publication of a sex offense conviction on a State judicial Web site resulted in plaintiff being unable to find work in his chosen profession, defendant was a State official under Maryland law because a judgment against defendant would likely be paid from the State treasury, defendant's position was created by the State constitution, and defendant's duties were defined by statute; thus, defendant was not subject to an official capacity suit under 42 U.S.C.S. § 1983. *Panowicz v. Hancock*, 2012 U.S. Dist. LEXIS 129800 (D. Md. Sept. 12, 2012).

Subtitle 17. Prohibited Acts; Penalties.

§ 2-1702. Interference with legislative process.

(a) *Disruption and interference prohibited.* — A person may not willfully disrupt, interfere with, attempt to disrupt, or attempt to interfere with a session, meeting, or proceeding of the General Assembly, the Senate, or the House or any of their committees, by:

- (1) making, alone or with another person, a noise that tends to be disruptive;
- (2) using abusive or obscene language;
- (3) making an obscene gesture;
- (4) engaging in violent, tumultuous, or threatening behavior;
- (5) refusing to comply with the lawful order of the police to disperse; or

(6) doing any other disruptive or interfering act.

(b) *Picketing restricted.* — A person may not picket willfully in a building where:

(1) the Senate or the House has a chamber;

(2) a member of the General Assembly has an official office; or

(3) a committee of the General Assembly, the Senate, or the House has an office.

(c) *Interference with members and staff prohibited.* — A person may not prevent or attempt to prevent, willfully and with force, the performance of a function, power, or duty by a member, officer, or employee of the General Assembly, the Senate, or the House or any of their committees.

(d) *Interference with property prohibited.* — A person may not:

(1) willfully and without legal authority, obtain, withhold, destroy, deface, or alter an official document or record of the General Assembly, the Senate, or the House or any of their committees; or

(2) without legal authority, possess, withhold, destroy, or deface real or personal property that the General Assembly, the Senate, or the House or any of their committees owns or uses.

(e) *Firearms and other devices restricted.* — (1) This subsection does not apply to:

(i) a law enforcement officer of any state or of the federal government who is carrying out duties of the office; or

(ii) a person whom the officer summons to help in making an arrest or in preserving the peace.

(2) A person may not willfully bring an assault weapon or other firearm or destructive device, as defined in § 4-501 of the Criminal Law Article, into or have an assault weapon or other firearm or destructive device in a building where:

(i) the Senate or the House has a chamber;

(ii) a member, officer, or employee of the General Assembly has an official office; or

(iii) a committee of the General Assembly, the Senate, or the House has an office.

(f) *Penalties.* — A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both. (An. Code 1957, art. 40, §§ 97-102, 104; 1984, ch. 284, § 1; 1994, ch. 456; 1997, ch. 343; 2002, ch. 213, § 6; 2004, ch. 25, § 6.)

TITLE 9.

MISCELLANEOUS EXECUTIVE AGENCIES.

Subtitle 25. Maryland Security Council.

§§ 9-2501 to 9-2509. Maryland Security Council.

Repealed by Acts 2005, ch. 181, § 1, effective October 1, 2005.

TITLE 13.

EMBLEMS; COMMEMORATIVE DAYS.

Subtitle 4. Commemorative Days.

§ 13-409. Fire, Rescue, and Emergency Services Workers Day.

Repealed by Acts 2014, ch. 94, § 1, effective October 1, 2014.

Cross references. — For present provisions concerning commemorative days, see 7-401 et seq. of the General Provisions Article.

Editor's note. — Section 1, ch. 94, Acts 2014, repealed the subtitle "Subtitle 4. Commemorative Days."

STATE PERSONNEL AND PENSIONS.

DIVISION I.

STATE PERSONNEL.

Title 8.

**Compensation of Employees Subject to
Salary Authority of Secretary of
Budget and Management.**

*Subtitle 5. Retirees, Former Vested Members,
Deferred Vested Retirees, and Surviving
Beneficiaries of the Local Fire and Police
System.*

Sec.
23-501. Continuation of benefits.

Subtitle 2. Special Pay Provisions.

Sec.

8-201. Shift differential pay.

8-202. Hazardous duty pay.

DIVISION I.

STATE PERSONNEL.

TITLE 8.

COMPENSATION OF EMPLOYEES SUBJECT TO SALARY AUTHORITY OF SECRETARY OF
BUDGET AND MANAGEMENT.

Subtitle 2. Special Pay Provisions.

§ 8-201. Shift differential pay.

(a) *Scope of section.* — This section applies to all employees in the State Personnel Management System.

(b) *In general.* — (1) An employee subject to this section is entitled to extra pay, known as shift differential pay, if the employee:

(i) is employed in a position designated for this purpose; and

(ii) works on a shift that starts on or after 2:00 p.m. and on or before 1:00 a.m.

(2) A State-employed fire fighter is entitled to shift differential pay for qualifying hours if the fire fighter works on a shift of at least 8 hours, regardless of the time that the shift starts.

(c) *Regulations.* — (1) The Secretary shall adopt regulations for the payment of shift differential pay.

(2) The regulations adopted under this section shall provide for fairness and equity among all employees in consideration of:

(i) the hours worked;

(ii) conditions and places of employment;

(iii) prevailing practices in the locality; and

(iv) other factors that the Secretary considers relevant under the circumstances. (An. Code 1957, art. 64A, § 27; 1993, ch. 10, § 2; ch. 20, § 1; ch. 357; 1994, ch. 3, § 1; 1996, ch. 347, § 1.)

§ 8-202. Hazardous duty pay.

(a) *In general.* — An employee of the State Fire Marshal's Office is entitled to extra pay, known as hazardous duty pay, if the employee works as a member of a bomb squad or as an explosives technician.

(b) *Monthly pay limit.* — Hazardous duty pay under this section shall be set by the Secretary in an amount not to exceed \$150 a month. (An. Code 1957, art. 64A, § 27; 1993, ch. 10, § 2; 1996, ch. 347, § 1; 2005, ch. 265.)

Subtitle 5. Retirees, Former Vested Members, Deferred Vested Retirees, and Surviving Beneficiaries of the Local Fire and Police System.

§ 23-501. Continuation of benefits.

(a) *Applicability.* — This section applies to an individual who is a former vested member, retiree, or surviving beneficiary of a deceased member, former vested member, or retiree, who, on or after June 30, 2005, is required to become a former vested member, retiree, or surviving beneficiary of a deceased member, former vested member, or retiree of the Employees' Pension System as provided under § 21-306(f) or (g) of this article.

(b) *In general.* — An individual described under subsection (a) of this section shall continue to receive benefits in accordance with the provisions of Title 28 of this article. (2005, ch. 238.)

TAX-GENERAL.

Title 2.

Administration by Comptroller.

Subtitle 11. Motor Fuel Tax Revenue Distribution.

Sec.

2-1103. From aviation fuel; percentage exceeding 18.5 cents per gallon.

Subtitle 13. Sales and Use Tax Revenue Distribution.

2-1302.2. [Abrogated].

2-1303. To General Fund.

Title 4.

Admissions and Amusement Tax.

Subtitle 1. Definitions; General Provisions.

4-103. Limitations on authorization to tax.

4-104. Exemptions.

Title 9.

Fuel Taxes.

Subtitle 2. Motor Carrier Tax.

Part I. Definitions; General Provisions.

9-201. Definitions.

- (a) In general.
- (b) Commercial motor vehicle.
- (c) Motor carrier.

Subtitle 3. Motor Fuel Tax.

Part I. Definitions; General Provisions.

9-301. Definitions.

- (a) In general.
- (b) Blend.
- (c) Dealer.
- (d) Distributor.
- (e) Engage in the business of a dealer.
- (f) Engage in the business of a distributor.
- (g) Engage in the business of a special fuel seller.
- (h) Engage in the business of a special fuel user.
- (i) Engage in the business of a turbine fuel seller.
- (j) License.
- (k) Licensed dealer.
- (l) Licensed distributor.
- (m) Licensed special fuel seller.
- (n) Licensed special fuel user.
- (o) Licensed turbine fuel seller.
- (p) Marina.
- (q) Refine.

Sec.

(r) Retail service station dealer.

(s) Special fuel seller.

(t) Special fuel user.

(u) Turbine fuel seller.

9-305. Tax rates.

9-306. Tax rates — Average annual retail price as basis.

Title 10.

Income Tax.

Subtitle 1. Definitions; General Provisions.

10-102. Imposition of tax — In general.

10-104. Exemptions.

Subtitle 2. Maryland Taxable Income Calculations for Individual.

Part II. Maryland Adjusted Gross Income.

10-207. Subtractions from federal adjusted gross income — In general.

10-208. Subtractions from federal adjusted gross income — State adjustments.

Part III. Exemptions.

10-213. Honorable Louis L. Goldstein Volunteer Police, Fire, Rescue, and Emergency Medical Services Personnel Subtraction Modification Program.

Subtitle 3. Maryland Taxable Income Calculations for Corporation.

Part II. Maryland Modified Income.

10-304. In general.

Subtitle 8. Returns and Declarations.

Part II. Returns and Declarations Generally.

10-818. Public inspection of tax returns.

Title 11.

Sales and Use Tax.

Subtitle 2. Exemptions.

11-204. Exempt charitable or nonprofit sales.

11-206. Food.

Title 13.

Procedure.

Subtitle 9. Refunds and Offsets.

Part I. Refunds.

13-901. Claimants.

TITLE 2.

ADMINISTRATION BY COMPTROLLER.

*Subtitle 11. Motor Fuel Tax Revenue Distribution.***§ 2-1103. From aviation fuel; percentage exceeding 18.5 cents per gallon.**

After making the distributions required under §§ 2-1101 and 2-1102 of this subtitle, the Comptroller shall distribute:

(1) the remaining motor fuel tax revenue from aviation fuel to the Transportation Trust Fund;

(2) all remaining motor fuel tax revenue, equal to the average percentage by which the motor fuel tax rate exceeds 18.5 cents per gallon, not including revenue attributable to an increase in the motor fuel tax rates under § 9-305(b) of this article or revenue attributable to the sales and use tax equivalent rate imposed under § 9-306 of this article, to the Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund;

(3) revenue attributable to an increase in the motor fuel tax rates imposed under § 9-305(b) of this article to the Transportation Trust Fund; and

(4) revenue attributable to the sales and use tax equivalent rate imposed under § 9-306 of this article to the Transportation Trust Fund. (An. Code 1957, art. 56, §§ 136A, 137; 1988, ch. 2, § 1; ch. 643, §§ 1, 3; 1992, 1st Sp. Sess., ch. 3, § 1; 2008, ch. 36; 2013, ch. 429, § 1.)

Effect of amendments. — Chapter 36, Acts 2008, approved April 8, 2008, and effective from date of enactment, made stylistic changes in (2).

Section 1, ch. 429, Acts 2013, effective June 1, 2013, added “not including revenue attribut-

able to an increase in the motor fuel tax rates under § 9-305(b) of this article or revenue attributable to the sales and use tax equivalent rate imposed under § 9-306 of this article” in (2); added (3) and (4); and made related changes.

*Subtitle 13. Sales and Use Tax Revenue Distribution.***§ 2-1302.2. Portion of revenue to Transportation Trust Fund.**

Abrogated.

Editor’s note. — Section 11, ch. 429, Acts 2013, provides that “(a) Section 4 of this Act shall take effect on the taking effect, on or after June 1, 2013, but before December 1, 2015, of regulations adopted by the Comptroller that require out-of-state sellers to collect the State sales and use tax on sales by out-of-state sellers to buyers in the State as authorized under a federal law that takes effect before December 1, 2015.

“(b) If Section 4 of this Act does not take effect in accordance with subsection (a) of this sec-

tion, Section 4 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect on December 1, 2015.” Pursuant to § 11, ch. 426, Acts 2013, and information received from the Department of Legislative Services that regulations will not be adopted, the proposed enactment by § 4, ch. 426, Acts 2013, is deemed not to take effect after December 1, 2015.

§ 2-1303. To General Fund.

(a) *In general.* — After making the distributions required under §§ 2-1301 through 2-1302.1 of this subtitle, the Comptroller shall pay:

(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under § 10-130 of the Economic Development Article;

(2) subject to subsection (b) of this section, to The Blueprint for Maryland's Future Fund established under § 5-219 of the Education Article, revenues collected and remitted by:

(i) a marketplace facilitator; or

(ii) a person that engages in the business of an out-of-state vendor and that is required to collect and remit sales and use tax as specified in COMAR 03.06.01.33B(5); and

(3) the remaining sales and use tax revenue into the General Fund of the State.

(b) *Payment of first \$100,000,000 of revenues collected.* — For each fiscal year, the Comptroller shall pay into the General Fund of the State the first \$100,000,000 of revenues collected and remitted by:

(1) a marketplace facilitator; or

(2) a person that engages in the business of an out-of-state vendor and that is required to collect and remit sales and use tax as specified in COMAR 03.06.01.33B(5). (An. Code 1957, art. 81, §§ 370, 399; 1988, ch. 2, § 1; ch. 643, §§ 1, 3; 1998, ch. 706; 2004, ch. 424, § 2; 2007 Sp. Sess., ch. 6, § 5; 2008, ch. 307, § 1; 2011, ch. 397, § 1; 2013, ch. 429, § 4; 2019, ch. 735, § 1; ch. 771, § 17.)

Effect of amendments. — Section 1, ch. 307, Acts 2008, substituted “§ 10-130 of the Economic Development Article” for “Article 83A, § 5-216 of the Code” in (1).

Section 1, ch. 397, Acts 2011, effective June 1, 2011, substituted “2-1302.1” for “2-1302.2” in the introductory language.

Section 1, ch. 735, effective October 1, 2019, and § 17, ch. 771, Acts 2019, effective June 1, 2019, both enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor's signature, rewrote the section. The language of ch. 771 was followed for (a)(2)(ii).

Editor's note. — For applicability of § 5 to taxable years after July 1, 2008, see § 13, ch. 6, Acts 2007 Sp. Sess.

Section 31, ch. 397, Acts 2011, provides that “notwithstanding the provisions of this Act, except as otherwise provided in this section, the altered distributions of the revenues from the corporate income tax and the sales and use tax under the provisions of Title 2, Subtitles 6 and 13 of the Tax - General Article as enacted by this Act do not apply until any Consolidated Transportation Bonds that were issued by the Department of Transportation before July 1, 2011, no longer remain outstanding and unpaid. In any fiscal year for which funds are

appropriated by the General Assembly to pay the amount due and payable in that fiscal year for the principal of and interest on the Department of Transportation's Consolidated Transportation Bonds that were issued before July 1, 2011, the revenues from the corporate income tax and the sales and use tax shall be distributed as provided in Title 2, Subtitles 6 and 13 of the Tax - General Article as enacted by this Act.”

Section 11, ch. 429, Acts 2013, provides that “(a) Section 4 of this Act shall take effect on the taking effect, on or after June 1, 2013, but before December 1, 2015, of regulations adopted by the Comptroller that require out-of-state sellers to collect the State sales and use tax on sales by out-of-state sellers to buyers in the State as authorized under a federal law that takes effect before December 1, 2015.

“(b) If Section 4 of this Act does not take effect in accordance with subsection (a) of this section, Section 4 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect on December 1, 2015.” Pursuant to § 11, ch. 429, Acts 2013, and information received from the Department of Legislative Services that regulations will not be adopted, the proposed

amendment by § 4, ch. 429, Acts 2013, is deemed not to take effect after December 1, 2015.

Section 3, ch. 735, Acts 2019, provides that “this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any sales of tangible personal property or taxable services for delivery in the State before the effective date of this Act [October 1, 2019].”

Section 23, ch. 771, Acts 2019, provides that “Section 17 of this Act shall take effect contin-

gent on the taking effect of Chapter 735 of the Acts of the General Assembly of 2019, and if Chapter 735 does not take effect, Section 17 of this Act, with no further action required by the General Assembly, shall be null and void.” Chapter 735 became law pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor’s signature, effective October 1, 2019.

TITLE 4.

ADMISSIONS AND AMUSEMENT TAX.

Subtitle 1. Definitions; General Provisions.

§ 4-103. Limitations on authorization to tax.

(a) *Counties.* — The admissions and amusement tax may not be imposed by:

(1) a county on gross receipts derived from any source within a municipal corporation located in that county, if the municipal corporation imposes an admissions and amusement tax on any gross receipts or specifically exempts any gross receipts from the admissions and amusement tax;

(2) Baltimore County on gross receipts:

(i) of a nonprofit community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association; or

(ii) derived from any admissions and amusement charge for any activities related to agricultural tourism;

(3) Calvert County on gross receipts that are subject to the sales and use tax;

(4) Washington County on gross receipts from an amusement device that is subject to the license and permit requirements of Title 17, Subtitle 4, Part V of the Business Regulation Article;

(5) Montgomery County on gross receipts derived within an area designated as an enterprise zone under Title 5, Subtitle 7 of the Economic Development Article from a charge for:

(i) admission to a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music, or other entertainment is provided; or

(ii) merchandise, refreshment, or a service sold or served in connection with entertainment at a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music, or other entertainment is provided; and

(6) Harford County on gross receipts derived from:

(i) any admissions and amusement charge for golf entertainment;

(ii) any admissions and amusement charge in connection with a business that provides drive-in movie entertainment;

(iii) any admissions and amusement charge for any activities related to agricultural tourism; or

(iv) any admissions and amusement charge by a roller skating rink.

(b) *Counties and municipal corporations.* — The admissions and amusement tax may not be imposed by a county or municipal corporation on gross receipts:

(1) derived from any charge for merchandise, refreshments, or a service sold or served at a place where:

(i) dancing is prohibited; and

(ii) the only entertainment provided is mechanical music, radio, or television;

(2) derived from any charge for admission to:

(i) a live boxing or wrestling match; or

(ii) a concert or theatrical event presented or offered by a nonprofit group that:

1. is organized and operated to present or offer an annual series of scheduled musical concerts; or

2. is organized and operated for a cultural purpose and receives a grant directly or indirectly from the Maryland State Arts Council;

(3) derived from any charge for admission to or use of:

(i) a facility or equipment in connection with a bingo game that is operated in accordance with § 13-507 of the Criminal Law Article;

(ii) a bowling alley or lane;

(iii) a charter fishing boat; or

(iv) a nontethered hot air balloon;

(4) derived from any charge for admission or for merchandise, refreshments, or a service, if the gross receipts are used exclusively for:

(i) a charitable, educational, or religious purpose;

(ii) a volunteer fire company or nonprofit rescue squad;

(iii) a fraternal, service, or veterans' organization chartered by a grant of Congress; or

(iv) the improvement, maintenance, or operation of an agricultural fair, if no net earnings inure to the benefit of any stockholder or member of the association that conducts the fair; or

(5) obtained at admission and used for the cost of prizes or as money winnings distributed, as part of its operation, by a commercial bingo game in Anne Arundel County. (An. Code 1957, art. 81, §§ 402, 406; 1988, ch. 2, § 1; ch. 134; 1992, ch. 26, § 2; 1998, ch. 523; 2001, ch. 647; 2002, ch. 213, § 6; 2005, ch. 531; 2006, ch. 402; 2008, ch. 307, § 1; 2011, ch. 125; 2013, ch. 136; 2017, ch. 631.)

Effect of amendments. — Section 1, ch. 307, Acts 2008, substituted “Title 5, Subtitle 7 of the Economic Development Article” for “Article 83A, § 5-402 of the Code” in (a)(5).

Chapter 125, Acts 2011, effective July 1, 2011, added (b)(3)(iv) and made related changes.

Chapter 136, Acts 2013, effective October 1, 2013, substituted “Title 17, Subtitle 4, Part V of the Business Regulation Article” for “Article 24, § 11-202 of the Code” in (a)(4).

Chapter 631, Acts 2017, effective October 1, 2017, substituted “nonprofit” for “not-for-profit” in (a)(2)(i) and the introductory language of (b)(2)(ii).

Maryland Law Review. — For article, “Survey of Developments in Maryland Law, 1984-85,” see 45 Md. L. Rev. 473 (1986).

Tax on admission not services prior to admission. — General Assembly contemplated a tax on the price of entrance to any place, and not on a service provided for one’s

convenience prior to entering. *Scoville Serv., Inc. v. Comptroller of Treas.*, 269 Md. 390, 306 A.2d 534 (1973).

Charges for parking automobiles. — Charges for parking automobiles are not included in provisions for admissions and amusement taxes, even though the parking lot is owned by and located on the same tract of land as a racetrack. The charge is for the privilege of parking the automobiles only, and is not part of the price of admission to the track itself — the legitimate object of the statute. *Scoville Serv., Inc. v. Comptroller of Treas.*, 269 Md. 390, 306 A.2d 534 (1973).

Distinction between entertainments on basis of admission charge. — A distinction between the entertainment to which a direct admission charge was made upon the patrons and the entertainment to which no admission charge as such was made, but rather the charge for admission was included in whole or in part in the price paid by the patron for refreshment, service, or merchandise, is a simple and appropriate classification of taxpayers and not an impermissible subclassification, which is a hostile and oppressive demonstration against particular persons and classes. *Villa Nova Night Club, Inc. v. Comptroller of Treas.*, 256 Md. 381, 260 A.2d 307 (1970).

Allocation where single charge covers admission and other amenities. — A single charge covering admission to events, parking, and club membership may be allocated, for admission tax purposes, between the sum apportionable to admission and the sums apportionable to the other items. *Washington Nat'l Arena Ltd. Partnership v. Comptroller of Treas.*, 308 Md. 370, 519 A.2d 1277 (1987).

Clubs and club dues. — The General Assembly has impliedly acquiesced in the correctness of the construction placed on it by the Attorney General that such taxes do not apply to dues collected by country clubs. *Twinbrook Swimming Pool Corp. v. Comptroller of Treas.*, 274 Md. 88, 333 A.2d 49 (1975).

If dues which are paid do not constitute a charge which is imposed upon entering the club premises or a part of the premises, a swimming club is treated in the same manner as a country club. *Twinbrook Swimming Pool Corp. v. Comptroller of Treas.*, 274 Md. 88, 333 A.2d 49 (1975).

If the amount paid by a club member is in no way proportionate to attendance or participation, it cannot be an admission fee. *Twinbrook Swimming Pool Corp. v. Comptroller of Treas.*, 274 Md. 88, 333 A.2d 49 (1975).

If operating expenses of a club are shared by its members without insistence upon equivalence between the proportion of an individual's contribution and the proportion of benefits received, the payments which a member makes are dues. *Twinbrook Swimming Pool Corp. v.*

Comptroller of Treas., 274 Md. 88, 333 A.2d 49 (1975).

Political fund raisers and events. — Political fund raiser did not constitute furnishing of performance. *Comptroller of Treasury v. Citizens for Hoyer*, 51 Md. App. 33, 440 A.2d 429 (1982).

Organ music presented in connection with a buffet dinner and cocktail party held to raise political reelection campaign funds was not furnished as a performance, and thus no admission tax was due. *Comptroller of Treas. v. Mandel, Lee, Goldstein, Burch Re-Election Comm.*, 280 Md. 575, 374 A.2d 1130 (1977).

Life-sized, mechanical puppets. — Life-sized, mechanical puppets displayed in restaurants are not actually performing, so any receipts from the sale of refreshments or from admission fees are not properly taxable. *Comptroller of Treas. v. Family Entertainment Ctrs. of Essex, Inc.*, 70 Md. App. 77, 519 A.2d 1337 (1987), overruled in part, 318 N. Mkt. St., Inc. v. *Comptroller of Treas.*, 78 Md. App. 589, 554 A.2d 453 (1989).

Dinner theatres. — Dinner theatre is not a cabaret or similar place where there is furnished a performance; consequently, its intermission refreshments are not subject to tax. *Comptroller of Treas. v. Burn Brae Dinner Theatre Co.*, 72 Md. App. 314, 528 A.2d 546 (1987).

Admission to closed circuit telecast of live boxing match exempt. — Closed circuit telecasts of boxing and wrestling matches broadcast while the events are taking place, in Maryland or outside this State, are live matches and as such are exempt from the admissions tax. 57 Op. Att'y Gen. 691 (1972).

Expenditures of firefighters' organization. — Although firefighters are indispensable public servants and work under unusually dangerous and stressful conditions, any expenditures by a firefighters' organization that improve "morale" are not necessarily "charitable" within the meaning of this section. *Vulcan Blazers of Baltimore City, Inc. v. Comptroller of Treas.*, 80 Md. App. 377, 564 A.2d 77 (1989).

Exemptions for certain nonprofit organization. — Anne Arundel County may exempt certain nonprofit organizations from taxation under the admissions and amusement tax. 63 Op. Att'y Gen. 612 (1978).

Receipts from university athletic events. — Substantial evidence existed in the record before the Tax Court to support its conclusion that the gross receipts from a university men's intercollegiate lacrosse games were used exclusively for an educational purpose where the receipts were applied to costs and for upkeep of an athletic field used by the students. *Comptroller of the Treasury v. Johns Hopkins Univ.*, 186 Md. App. 169, 973 A.2d 256 (2009).

Quoted in Comptroller of the Treasury v. Clyde's of Chevy Chase, Inc., 377 Md. 471, 833 A.2d 1014 (2003).

§ 4-104. Exemptions.

(a) *Nonprofit community associations.* — A county or a municipal corporation may exempt from the admissions and amusement tax gross receipts from any charge for admission or for merchandise, refreshments, or a service, if the gross receipts are used exclusively for community or civic improvement by a nonprofit community association that is organized and operated to promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association.

(b) *Performing arts organizations.* — A county or a municipal corporation may exempt from the admissions and amusement tax gross receipts from any charge for admission to a concert or theatrical event of a nonprofit organization that is organized to present or offer any of the performing arts.

(c) *Tennis courts in Wicomico County.* — Wicomico County or a municipal corporation in Wicomico County may exempt, by ordinance or resolution, from the admissions and amusement tax gross receipts from any charge for use of tennis courts.

(d) *Effect of exemptions.* — (1) An exemption of a class of activity by a county or municipal corporation does not alter the ability of the Stadium Authority to tax that class.

(2) An exemption of a class of activity by the Stadium Authority does not alter the ability of a county or municipal corporation to tax that class.

(e) *Arts and entertainment district, etc.* — (1) In this subsection, “arts and entertainment district”, “arts and entertainment enterprise” and “qualifying residing artist” have the meanings stated in § 4-701 of the Economic Development Article.

(2) A county or a municipal corporation may exempt from the admissions and amusement tax gross receipts from any admissions or amusement charge levied by an arts and entertainment enterprise or qualifying residing artist in an arts and entertainment district.

(f) *Amateur recreational sports event or league.* — The Mayor and City Council of Baltimore City may exempt, by law, from the admissions and amusement tax gross receipts from any charge or fee to participate in an amateur recreational sports event or league. (An. Code 1957, art. 81, §§ 403, 406, 406A, 406C; 1988, ch. 2, § 1; ch. 134; 2001, ch. 608; 2008, ch. 307, § 1; 2016, chs. 215, 216; 2017, ch. 631.)

Effect of amendments. — Section 1, ch. 307, Acts 2008, substituted “§ 4-701 of the Economic Development Article” for “Article 83A, § 4-701 of the Code” in (e)(1).

Chapters 215 and 216, Acts 2016, effective July 1, 2016, made identical amendments. Each added (f).

Chapter 631, Acts 2017, effective October 1, 2017, substituted “nonprofit” for “not-for-profit” in (a) and (b).

Editor’s note. — Section 2, chs. 215 and 216, Acts 2016, provides that “in Baltimore City the admissions and amusement tax authorized under Title 4 of the Tax - General Article may

not be imposed on the gross receipts from any charge or fee that is collected on or before July 1, 2016 for participation in an amateur recreational sports event or league.”

Maryland Law Review. — For article, “Survey of Developments in Maryland Law, 1984-85,” see 45 Md. L. Rev. 473 (1986).

Cited in *Comptroller of the Treasury v. Johns Hopkins Univ.*, 186 Md. App. 169, 973 A.2d 256 (2009).

TITLE 9.

FUEL TAXES.

Subtitle 2. Motor Carrier Tax.

Part I. Definitions; General Provisions.

§ 9-201. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Commercial motor vehicle.* — (1) “Commercial motor vehicle” means any motor vehicle used or maintained for the transportation of persons or property that:

(i) has 2 axles and an operating or registered gross vehicle weight that exceeds 26,000 pounds;

(ii) has 3 or more axles; or

(iii) is used in combination with another vehicle and has an operating or registered gross combined weight that exceeds 26,000 pounds.

(2) “Commercial motor vehicle” does not include:

(i) a privately owned antique truck that:

1. is registered as a historic motor vehicle under § 13-936 of the Transportation Article; and

2. displays appropriate registration plates that the Motor Vehicle Administration issues;

(ii) a commercial motor vehicle that is operated:

1. by a state or a subdivision of a state;

2. by the United States;

3. by a joint unit of:

A. this State and the United States and other states; or

B. this State and another state;

4. by or for a state, political subdivision of a state, or private school as a school bus;

5. by a volunteer or paid fire department or rescue squad as fire or rescue equipment;

6. by a licensed vehicle dealer during a road test for sale, if the vehicle displays dealer registration plates that the Motor Vehicle Administration issues; or

7. by a person as a privately owned bus used only in the transportation system of a county, municipal corporation, special taxing district, or other political subdivision to transport the public on a regular schedule between fixed termini as those terms are defined in the Transportation Article;

(iii) a multipurpose passenger vehicle as defined in § 11-136.2 of the Transportation Article;

(iv) a multipurpose passenger vehicle or truck that does not exceed $\frac{3}{4}$ ton capacity when towing:

1. a camping trailer as defined in § 11-106 of the Transportation Article; or

2. a travel trailer as defined in § 11-170 of the Transportation Article;

or

(v) a farm truck as defined in § 13-921 of the Transportation Article or a farm area motor vehicle as defined in § 13-935 of the Transportation Article that has 2 axles and a registered or operating gross or combination weight of less than 40,001 pounds.

(c) *Motor carrier*. — (1) “Motor carrier” means a person who operates or causes the operation of a commercial motor vehicle on a highway in this State.

(2) “Motor carrier” includes:

(i) a lessor of a commercial motor vehicle who provides or buys the motor fuel used to operate the vehicle or pays for it as a part of rental or other costs; and

(ii) a lessee whose lease entitles the lessee to receive a credit or refund for motor fuel that the lessor buys. (An. Code 1957, art. 81, §§ 412, 421, 425; 1988, ch. 2, § 1; ch. 107, § 2; 1989, ch. 5, § 1; 1996, ch. 10, § 1; ch. 255; 2012, ch. 66, § 6.)

Editor’s note. — Pursuant to § 6, ch. 66, Acts 2012, “11-136.2 of the Transportation Article” was substituted for “11-136.1 of the Transportation Article” in (b)(2)(iii).

Cross references. — For petroleum transporters, see § 10-401 et seq. of the Business Regulation Article.

Maryland Law Review. — For article, “Survey of Developments in Maryland Law, 1987-88,” see 48 Md. L. Rev. 551 (1989).

Subtitle 3. Motor Fuel Tax.

Part I. Definitions; General Provisions.

§ 9-301. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Blend.* — (1) “Blend” means to mix together any combination of:

(i) alkylate;

(ii) aromatic;

(iii) cracked gasoline;

(iv) natural gasoline;

(v) polymer gasoline; or

(vi) straight-run gasoline.

(2) “Blend” does not include adding alcohol to gasoline.

(c) *Dealer.* — (1) “Dealer” means a person who engages in the business of a dealer.

(2) “Dealer” includes:

(i) the State when it engages in the business of a dealer; and
(ii) a political subdivision of the State when the subdivision engages in the business of a dealer.

(d) *Distributor*. — (1) “Distributor” means a person who engages in the business of a distributor.

(2) “Distributor” does not include:

- (i) a licensed dealer;
- (ii) a licensed special fuel seller;
- (iii) a licensed special fuel user;
- (iv) a licensed turbine fuel seller;
- (v) a marina; or
- (vi) a retail service station dealer.

(e) *Engage in the business of a dealer*. — (1) “Engage in the business of a dealer” means to:

- (i) import any gasoline into the State;
- (ii) blend, in the State, any gasoline on which the motor fuel tax has not been paid;
- (iii) refine, in the State, any gasoline on which the motor fuel tax has not been paid; or
- (iv) acquire, in the State, any gasoline on which the motor fuel tax has not been paid, for:
 - 1. export; or
 - 2. wholesale distribution.

(2) “Engage in the business of a dealer” does not include bringing gasoline into the State in the fuel supply tank of an aircraft, motor vehicle, or vessel.

(f) *Engage in the business of a distributor*. — “Engage in the business of a distributor” means to buy for resale motor fuel on which the motor fuel tax has been paid from a licensed dealer, licensed special fuel seller, licensed special fuel user, or licensed turbine fuel seller.

(g) *Engage in the business of a special fuel seller*. — (1) “Engage in the business of a special fuel seller” means, with respect to special fuel other than turbine fuel, to:

- (i) import any special fuel into the State;
- (ii) sell, in the State, any special fuel on which the motor fuel tax has not been paid; or
- (iii) deliver, in the State, any special fuel on which the motor fuel tax has not been paid.

(2) “Engage in the business of a special fuel seller” does not include bringing special fuel into the State in the fuel supply tank of a motor vehicle or vessel.

(h) *Engage in the business of a special fuel user*. — “Engage in the business of a special fuel user” means to:

- (1) buy special fuel on which the motor fuel tax has not been paid; and
- (2) use it in a motor vehicle that is:
 - (i) owned or operated by the special fuel user; and
 - (ii) registered to operate on a public highway.

(i) *Engage in the business of a turbine fuel seller*. — (1) “Engage in the business of a turbine fuel seller” means to:

- (i) import any turbine fuel into the State;
- (ii) sell, in the State, any turbine fuel on which the motor fuel tax has not been paid; or
- (iii) deliver, in the State, any turbine fuel on which the motor fuel tax has not been paid.

(2) “Engage in the business of a turbine fuel seller” does not include bringing turbine fuel into the State in the fuel supply tank of an aircraft.

(j) *License*. — “License” means a license issued by the Comptroller under this subtitle to engage in the business of a dealer, distributor, special fuel seller, special fuel user, or turbine fuel seller.

(k) *Licensed dealer*. — “Licensed dealer” means a person who is licensed to engage in the business of a dealer.

(l) *Licensed distributor*. — “Licensed distributor” means a person who is licensed to engage in the business of a distributor.

(m) *Licensed special fuel seller*. — “Licensed special fuel seller” means a person who is licensed to engage in the business of a special fuel seller.

(n) *Licensed special fuel user*. — “Licensed special fuel user” means a person who is licensed to engage in the business of a special fuel user.

(o) *Licensed turbine fuel seller*. — “Licensed turbine fuel seller” means a person who is licensed to engage in the business of a turbine fuel seller.

(p) *Marina*. — “Marina” means a person who maintains a place of business where motor fuel is sold primarily to vessels.

(q) *Refine*. — “Refine” means to make crude oil into gasoline or special fuel by changing the physical or chemical characteristics of the crude oil.

(r) *Retail service station dealer*. — “Retail service station dealer” means a person who operates a retail place of business where motor fuel is sold and delivered into the fuel supply tanks of motor vehicles.

(s) *Special fuel seller*. — (1) “Special fuel seller” means a person who engages in the business of a special fuel seller.

(2) “Special fuel seller” does not include:

(i) a retail service station dealer who pays the motor fuel tax on special fuel to the supplier of the special fuel; or

(ii) a marina that sells special fuel only to vessels.

(t) *Special fuel user*. — (1) “Special fuel user” means a person who engages in the business of a special fuel user.

(2) “Special fuel user” does not include:

(i) a person whose only storage for special fuel is the fuel supply tank of a motor vehicle;

(ii) a volunteer fire or nonprofit volunteer rescue company that is incorporated in the State and buys special fuel from a licensed special fuel seller to operate fire fighting vehicles or equipment; or

(iii) a person who pays the motor fuel tax on all special fuels to the supplier of the special fuels.

(u) *Turbine fuel seller*. — “Turbine fuel seller” means a person who engages in the business of a turbine fuel seller. (1988, ch. 2, § 1; ch. 564, § 2; 1992, ch. 4, § 3.)

Cross references. — For inspection and sale of motor fuel, see § 10-301 et seq. of the Business Regulation Article. **Quoted** in *Genie & Co. v. Comptroller of Treas.*, 107 Md. App. 551, 668 A.2d 1013 (1995).

§ 9-305. Tax rates.

(a) *In general.* — Except as provided in subsection (b) of this section, the motor fuel tax rate is:

- (1) 7 cents for each gallon of aviation gasoline;
- (2) 23.5 cents for each gallon of gasoline other than aviation gasoline;
- (3) 24.25 cents for each gallon of special fuel other than clean-burning fuel or turbine fuel;
- (4) 7 cents for each gallon of turbine fuel; and
- (5) 23.5 cents for each gasoline-equivalent gallon of clean-burning fuel except electricity.

(b) *Increases.* — (1) The motor fuel tax rates specified in subsection (a)(2), (3), and (5) of this section shall be increased on July 1, 2013, and July 1 of each subsequent year in accordance with this subsection.

(2) On or before June 1 of each year, the Comptroller shall determine and announce:

(i) the growth in the Consumer Price Index for all urban consumers as determined by the Comptroller under paragraph (3) of this subsection; and

(ii) the motor fuel tax rates effective for the fiscal year beginning on the following July 1 as determined by the Comptroller under paragraph (4) of this subsection.

(3) (i) In this paragraph, “Consumer Price Index for all urban consumers” means the index published monthly by the Bureau of Labor Statistics of the U.S. Department of Labor that is the U.S. city average of all items in a basket of consumer goods and services.

(ii) The percentage growth in the Consumer Price Index for all urban consumers shall be determined by comparing the average of the index for the 12 months ending on the preceding April 30 to the average of the index for the prior 12 months.

(4) Subject to paragraph (5) of this subsection, on July 1 of each year, each motor fuel tax rate specified in subsection (a)(2), (3), and (5) of this section shall be increased by the amount, rounded to the nearest one-tenth of a cent, that equals the product of multiplying:

(i) the motor fuel tax rate in effect on the date of the Comptroller’s announcement under paragraph (2) of this subsection; and

(ii) the percentage growth in the Consumer Price Index for all urban consumers.

(5) (i) If there is a decline or no growth in the Consumer Price Index for all urban consumers, the motor fuel tax rates shall remain unchanged.

(ii) Any increase in the motor fuel tax rates under paragraph (4) of this subsection may not be greater than 8% of the motor fuel tax rate effective in the previous year.

(6) The Comptroller shall require any person possessing tax-paid motor fuel for sale at the start of business on the date of an increase in the motor fuel

tax under this subsection to compile and file an inventory of the motor fuel held at the close of business on the immediately preceding date and remit within 30 days any additional motor fuel tax that is due on the motor fuel. (An. Code 1957, art. 56, §§ 136, 136A; 1988, ch. 2, § 1; ch. 564, § 2; 1992, 1st Sp. Sess., ch. 3, § 1; 1993, ch. 270; 2013, ch. 429, § 1.)

Effect of amendments. — Section 1, ch. 429, Acts 2013, effective June 1, 2013, added the (a) designation; in the introductory language of (a) added the exception language at the beginning; added (b); and made related changes.

Editor's note. — Section 10, ch. 429, Acts 2013, provides that “on or before January 1, 2019, the Department of Transportation shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, Senate Budget and Taxation Committee, House Appropriations Committee, and House Committee on Ways and Means that:

“(1) Assesses the impact of cumulative increases in the motor fuel tax rates under § 9-305(b) of the Tax - General Article as enacted by this Act on the State's transportation investment program, consumers, and the State's economy; and

“(2) Makes a recommendation concerning the advisability of continuing to allow future increases in the motor fuel tax rates under § 9-

305(b) of the Tax - General Article as enacted by this Act.”

Dealer selling to compounder. — A dealer cannot sell gasoline to a compounder not licensed as a dealer and who has not filed the bond to assure payment of the tax to the State, and, having paid the tax itself, be entitled to subrogation to any rights of the State in receivership proceedings of the compounder. *Shell Oil Co. v. Brownley*, 181 Md. 8, 26 A.2d 764 (1942).

The intent was that when the first dealer sold gasoline to a compounder who is a dealer and who in order to be a dealer had filed a bond to indemnify the State for the tax, the latter of the two dealers became primarily liable for the tax. *Shell Oil Co. v. Brownley*, 181 Md. 8, 26 A.2d 764 (1942).

Quoted in *Director of Fin. v. Charles Towers Partnership*, 104 Md. App. 710, 657 A.2d 808 (1995), *aff'd sub nom. C & P Tel. Co. v. Director of Fin.*, 343 Md. 567, 683 A.2d 512 (1996).

Stated in *Genie & Co. v. Comptroller of Treas.*, 107 Md. App. 551, 668 A.2d 1013 (1995).

§ 9-306. Tax rates — Average annual retail price as basis.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Average annual retail price” means the 12-month average retail price per gallon of motor fuel purchased in the State determined in accordance with subsection (d) of this section.

(3) “Sales and use tax equivalent rate” means the per gallon tax rate calculated based on a percentage of the average annual retail price of motor fuel in accordance with subsection (e) of this section.

(b) *Comptroller to determine and announce average annual retail price of motor fuel and sales and use tax equivalent rate.* — On or before December 1, 2015, June 1, 2016, and June 1 of each subsequent year, the Comptroller shall determine and announce:

(1) the average annual retail price of motor fuel; and

(2) the sales and use tax equivalent rate effective on the first day of the following month.

(c) *Application and collection of taxes.* — (1) The sales and use tax equivalent rate shall be added to the motor fuel tax rates specified in § 9-305(a)(2), (3), and (5) of this subtitle and collected in the same manner as the motor fuel tax.

(2) Except as otherwise expressly provided by law, all references to the motor fuel tax in State law and regulations apply to the sales and use tax equivalent rate imposed under this section.

(d) *Computation of average annual retail price.* — The Comptroller shall determine the average annual retail price of motor fuel:

(1) using data compiled by the Oil Price Information Service or another generally recognized and reliable source of information; and

(2) based on prices for regular unleaded motor fuel, excluding federal and State taxes, reported during the 12 months ending on the last day of the second immediately preceding month.

(e) *Computation of sales and use tax equivalent rate.* — The Comptroller shall determine the sales and use tax equivalent rate by:

(1) multiplying the average annual retail price by the percentage rate specified in subsection (f) of this section; and

(2) rounding the product to the nearest tenth of a cent.

(f) *Percentage rate for calculation of sales and use tax.* — The percentage rate used to calculate the sales and use tax equivalent rate shall be:

(1) 4% for the determination made on December 1, 2015; and

(2) 5% for the determination made on June 1, 2016, and June 1 of each subsequent year.

(g) *Inventory of motor fuel held at close of business prior to increase for purposes of remitting additional taxes due.* — The Comptroller shall require any person possessing tax-paid motor fuel for sale at the start of business on the date of an increase in the sales and use tax equivalent rate under this section to compile and file an inventory of the motor fuel held at the close of business on the immediately preceding date and remit within 30 days any additional tax that is due on the motor fuel under this section. (2013, ch. 429, § 5.)

Editor's note. — Section 12, ch. 429, Acts 2013, provides that “(a) Section 5 of this Act shall take effect December 1, 2015, if Section 4 of this Act does not take effect before that date in accordance with Section 11 of this Act.

“(b) If Section 4 of this Act takes effect, Section 5 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect on the date that Section 4 of this Act becomes effective.

“(c) If Section 5 of this Act takes effect on December 1, 2015, in accordance with subsec-

tion (a) of this section, Section 2 of this Act shall be abrogated and of no further force and effect on December 1, 2015.” The Department of Legislative Services reports that § 4, ch. 429, Acts 2013, will not take effect. Therefore the version of § 9-306 of this article enacted by § 2, ch. 426, Acts 2013, is deemed to have abrogated on December 1, 2015; and the version of § 9-306 of this article enacted by § 5, ch. 426, Acts 2013, is deemed to take effect on December 1, 2015.

TITLE 10.

INCOME TAX.

Subtitle 1. Definitions; General Provisions.

§ 10-102. Imposition of tax — In general.

Except as provided in § 10-104 of this subtitle, a tax is imposed on the Maryland taxable income of each individual and of each corporation. (An. Code 1957, art. 81, § 288; 1988, ch. 2, § 1; 1992, 1st Sp. Sess., ch. 1, § 6.)

Editor's note. — For applicability of § 6 to estimated tax payments in fiscal years after December 31, 1991, see § 14, ch. 1, Acts 1992, 1st Sp. Sess.

Maryland Law Review. — For note discussing state income taxation of multistate corporations, see 41 Md. L. Rev. 435 (1982).

Net income is prerequisite to State taxation. — Net income, for corporate tax purposes defined as federal taxable income, is a prerequisite to State taxation. *Ford Motor Land Dev. Corp. v. Comptroller of Treas.*, 68 Md. App. 342, 511 A.2d 578, cert. denied, 307 Md. 596, 516 A.2d 567 (1986).

Taxing authority not limited to citizens of State. — The statutory authority under which Maryland imposes its income tax is not, by its terms, limited to only citizens of the

State. *Scott v. Comptroller of Treas.*, 105 Md. App. 215, 659 A.2d 341 (1995).

State income tax properly imposed. — Because under the Internal Revenue Code the taxpayer was an employee who earned wages, which constituted income, in Maryland, which was part of the United States, the taxpayer was subject to imposition of Maryland income taxes. *Bert v. Comptroller of the Treasury*, 215 Md. App. 244, 81 A.3d 460 (2013).

Cited in *Comptroller of Treas. v. Armco Export Sales Corp.*, 82 Md. App. 429, 572 A.2d 562 (1990), cert. denied, 320 Md. 634, 579 A.2d 280 (1990), cert. denied, 498 U.S. 1088, 111 S. Ct. 966, 112 L. Ed. 2d 1052 (1991); *Frey v. Comptroller of the Treasury*, 422 Md. 111, 29 A.3d 475 (2011), cert. denied, 132 S. Ct. 1796, 2012 U.S. LEXIS 2523, 182 L. Ed. 2d 618 (U.S. 2012).

§ 10-104. Exemptions.

The income tax does not apply to the income of:

(1) a common trust fund, as defined in § 3-501(b) of the Financial Institutions Article;

(2) except as provided in §§ 10-101(e)(3) of this subtitle and 10-304(2) of this title, an organization that is exempt from taxation under § 408(e)(1) or § 501 of the Internal Revenue Code;

(3) a financial institution that is subject to the financial institution franchise tax;

(4) a person subject to taxation under Title 6 of the Insurance Article;

(5) except as provided in § 10-102.1 of this subtitle, a partnership, as defined in § 761 of the Internal Revenue Code;

(6) except as provided in § 10-102.1 of this subtitle and § 10-304(3) of this title, an S corporation;

(7) except as provided in § 10-304(4) of this title, an investment conduit or a special exempt entity; or

(8) except as provided in § 10-102.1 of this subtitle, a limited liability company as defined under Title 4A of the Corporations and Associations Article to the extent that the company is taxable as a partnership, as defined in § 761 of the Internal Revenue Code. (An. Code 1957, art. 81, §§ 12G-12, 288, 313, 314, 315; 1988, ch. 2, § 1; ch. 135, § 1; 1991, chs. 86, 605; 1992, ch. 536; 1994, ch. 3, § 1; ch. 146, § 2; 1997, ch. 70, § 7; 2004, ch. 25, § 6; 2004 Sp. Sess., ch. 5, § 1; 2016, ch. 8, § 5.)

Editor's note. — For codification of § 408(e)(1), 501, or 761 of the Internal Revenue Code, referred to in (2) and (5), see 26 U.S.C.S. § 408(e)(1), 26 U.S.C.S. § 501, or 26 U.S.C.S. § 761.

For applicability to taxable years after December 31, 1990, see § 2, ch. 86, Acts 1991.

For applicability of § 6 to estimated taxes in fiscal years after December 31, 1991, see § 2, ch. 605, Acts 1990.

For applicability of exemption to managed care organizations and health maintenance organizations, see § 8, ch. 5, Acts 2004 Sp. Sess.

Pursuant to § 5, ch. 8, Acts 2016, “of this subtitle” was added after “§§ 10-101(e)(3)” in (2).

Maryland Law Review. — For article on history and constitutionality of Maryland Income Tax Law, see 2 Md. L. Rev. 1 (1937).

For comment on liquidating dividends under the Maryland income tax, see 20 Md. L. Rev. 266 (1960).

For note discussing State income taxation of multistate corporations, see 41 Md. L. Rev. 435 (1982).

For a note “Comptroller of the Treasury v. Wynne: Bridging the Gap Between Strands of Jurisprudence on State Income Taxation,” see 75 U. Md. L. Rev. 1092 (2016).

Payments were not payments to partners. — Payments by the Association of Maryland Pilots to the Board of Examiners of Maryland Pilots for retired and disabled former pilots are not payments to partners, but rather are the payments of expenses that are calcu-

lated according to the amount distributed to partners [except for the \$200 minimum requirement]. *Hull v. Comptroller of Treas.*, 312 Md. 77, 537 A.2d 1188 (1988).

Applied in *Md. State Comptroller of the Treasury v. Wynne*, 431 Md. 147, 64 A.3d 453 (2013), aff’d, 135 S. Ct. 1787, 191 L. Ed. 2d 813 (U.S. 2015).

Stated in *State Dep’t of Assmts. & Taxation v. Loyola Fed. Sav. & Loan Ass’n*, 79 Md. App. 481, 558 A.2d 428, cert. denied, 317 Md. 511, 564 A.2d 1182 (1989); *Vulcan Blazers of Baltimore City, Inc. v. Comptroller of Treas.*, 80 Md. App. 377, 564 A.2d 77 (1989).

Cited in *Supervisor of Assmts. v. Har Sinai W. Corp.*, 95 Md. App. 631, 622 A.2d 786 (1993).

Subtitle 2. Maryland Taxable Income Calculations for Individual.

Part II. Maryland Adjusted Gross Income.

§ 10-207. Subtractions from federal adjusted gross income — In general.

(a) *In general.* — To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(b) *Distributions of accumulated income.* — The subtraction under subsection (a) of this section includes a distribution, to a beneficiary, of accumulated income on which a fiduciary has paid the income tax.

(c) *Dividends and interest from United States obligations.* — The subtraction under subsection (a) of this section includes interest or dividends attributable to an obligation of the United States or an authority, commission, instrumentality, possession, or territory of the United States.

(c-1) *Dividends or distribution by mutual funds.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Mutual fund” means a regulated investment company as defined under § 851 of the Internal Revenue Code.

(iii) “United States government obligation” means an obligation of the United States or an authority, commission, instrumentality, possession, or territory of the United States.

(2) The subtraction under subsection (a) of this section includes a distribution or dividend by a mutual fund of interest or dividends attributable to a United States government obligation.

(d) *Fire and police vehicles.* — The subtraction under subsection (a) of this section includes income attributable to an employer-provided official vehicle used in accordance with law by a member of a State, county, or local:

- (1) police force; or
- (2) fire department.

(e) *Fire fighter and police disability income.* — The subtraction under subsection (a) of this section includes a payment from a pension system to an

individual for a disability or injury that arose out of and in the course of the individual's employment as a policeman or fire fighter.

(e-1) *Law enforcement official pension payments.* — (1) In this subsection, "law enforcement officer" means a law enforcement officer as defined in § 3-101 of the Public Safety Article or other sworn law enforcement officer of the United States, a state, or a political subdivision of a state.

(2) The subtraction under subsection (a) of this section includes a payment from a pension system to the surviving spouse or other beneficiary of a law enforcement officer or fire fighter whose death arises out of or in the course of employment as a law enforcement officer or fire fighter.

(f) *Keogh Plan income.* — The subtraction under subsection (a) of this section includes income that:

(1) is received by withdrawing money from a retirement account known as a Keogh Plan and established under Subchapter D of the Internal Revenue Code; and

(2) is attributable to:

(i) money contributed by an individual before 1967 for which the individual was not allowed a deduction at the time of contribution to the account; or

(ii) interest or dividends paid on the account on which a State tax on income was paid at the time that the interest or dividends accumulated in the account.

(g) *Length of service award.* — The subtraction under subsection (a) of this section includes a payment received under a fire, rescue, or ambulance personnel length of service award program that is funded by any county or municipal corporation of the State.

(h) *Earned income.* — Repealed by Acts 1998, ch. 5, § 1, effective July 1, 1998.

(i) *Profits on sale or exchange of State or local bonds.* — The subtraction under subsection (a) of this section includes profit realized from the sale or exchange of a bond issued by the State or a political subdivision of the State.

(j) *Railroad and Social Security retirement income.* — The subtraction under subsection (a) of this section includes a payment received:

(1) under Title II of the Social Security Act; or

(2) as a benefit under the Railroad Retirement Act.

(k) *Relocation and assistance payments.* — The subtraction under subsection (a) of this section includes payment for relocation and assistance under Title 12, Subtitle 2 of the Real Property Article.

(l) *Pickup contributions for member of retirement or pension system.* — The subtraction under subsection (a) of this section includes that portion of an annuity received by a retiree of a retirement or pension system:

(1) for which pickup contributions were made under § 21-313 of the State Personnel and Pensions Article; and

(2) that is included in federal adjusted gross income under § 414(h)(2) of the Internal Revenue Code.

(m) *State or local income tax refunds.* — The subtraction under subsection (a) of this section includes a refund of tax on income received from a state or a political subdivision of a state.

(n) *State tax income.* — The subtraction under subsection (a) of this section includes any income that federal law or treaty exempts from a state but not federal tax on income.

(o) *Intangible personal property held in trust for nonresident.* — (1) In this subsection, “remaindermen” includes a person whose remainder interest is vested, contingent, or vested subject to divestment.

(2) The subtraction under subsection (a) of this section includes:

(i) income derived from intangible personal property that is held in trust for the benefit of a nonresident or a corporation not doing business in the State; and

(ii) to the extent not included under item (i) of this paragraph, capital gain income derived from the sale or other disposition of intangible personal property that is held in trust, if the proceeds thereof are added to the principal of the trust, and if all the remaindermen in being are:

1. nonresidents during the entire taxable year; or
2. corporations not doing business in the State.

(3) The subtraction allowed under paragraph (2)(ii) of this subsection does not apply if there are no remaindermen of the trust in being.

(p) *Overseas military pay.* — (1) The subtraction under subsection (a) of this section includes the first \$15,000 of military pay that is:

(i) received by an individual who is in active service of any branch of the armed forces; and

(ii) attributable to military service of the individual outside the United States.

(2) The amount of the subtraction under paragraph (1) of this subsection:

(i) is reduced dollar for dollar in the amount by which military pay received by the individual exceeds \$15,000; and

(ii) is reduced to zero if the amount of military pay received by the individual exceeds \$30,000.

(q) *Definitions.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Military retirement income” means retirement income, including death benefits, received as a result of military service.

(iii) “Military service” means:

1. induction into the armed forces of the United States for training and service under the Selective Training and Service Act of 1940 or a subsequent act of a similar nature;

2. membership in a reserve component of the armed forces of the United States;

3. membership in an active component of the armed forces of the United States;

4. membership in the Maryland National Guard; or

5. active duty with the commissioned corps of the Public Health Service, the National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey.

(2) The subtraction under subsection (a) of this section includes:

(i) if, on the last day of the taxable year, the individual is under the age of 55 years, the first \$5,000 of military retirement income received by an individual during the taxable year; and

(ii) if, on the last day of the taxable year, the individual is at least 55 years old, the first \$15,000 of military retirement income received by an individual during the taxable year.

(r) *Compensation for personal services of spouse.* — (1) In this subsection, “modified Maryland adjusted gross income” means Maryland adjusted gross income determined separately for each spouse on a joint return without regard to the subtraction allowed under this subsection.

(2) For a two-income married couple filing a joint return, the subtraction under subsection (a) of this section includes the lesser of \$1,200 or the modified Maryland adjusted gross income of the spouse with the lesser modified Maryland adjusted gross income for the taxable year.

(s) *Amounts distributed to certain beneficiaries; qualified higher education expenses.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Qualified beneficiary” has the meaning stated in § 18-1901 of the Education Article.

(iii) “Qualified designated beneficiary” means a qualified designated beneficiary as defined in § 18-19A-01 or § 18-19B-01 of the Education Article.

(iv) “Qualified higher education expenses” has the meaning stated in § 529 of the Internal Revenue Code.

(2) Except as provided in paragraph (3) of this subsection, the subtraction under subsection (a) of this section includes any amount included in federal adjusted gross income as a result of a distribution to:

(i) a qualified beneficiary pursuant to a prepaid contract under the Maryland Senator Edward J. Kasemeyer Prepaid College Trust;

(ii) a qualified designated beneficiary from an investment account under the Maryland Senator Edward J. Kasemeyer College Investment Plan; or

(iii) a qualified designated beneficiary from an investment account under the Maryland Broker-Dealer College Investment Plan.

(3) The subtraction under paragraph (2) of this subsection does not apply to:

(i) a refund under the Maryland Senator Edward J. Kasemeyer Prepaid College Trust; or

(ii) a distribution that is not used by the qualified beneficiary or qualified designated beneficiary for qualified higher education expenses.

(t) *Holocaust money.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Holocaust victim” means an individual who died or lost property as a result of discriminatory laws, policies, or actions targeted against discrete groups of individuals based on race, religion, ethnicity, sexual orientation, or national origin, whether or not the individual was actually a member of any of those groups, or because the individual assisted or allegedly assisted any of those groups, between January 1, 1929 and December 31, 1945, in the country

of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, areas occupied by those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of invasion by Nazi Germany or by any European country allied with or occupied by Nazi Germany.

(iii) “Nazi Germany” means:

1. for the period from 1929 to 1933, the Republic of Germany, commonly referred to as the Weimar Republic; and

2. for the period from 1933 through 1945, Deutsche Reich.

(2) The subtraction under subsection (a) of this section includes:

(i) income of an individual related to tangible or intangible property that was seized, misappropriated, or lost as a result of the actions or policies of Nazi Germany toward a Holocaust victim; and

(ii) amounts received by an individual as reparations or restitution for the loss of liberty or damage to the health of the individual because the individual is:

1. a Holocaust victim; or

2. a spouse or descendant of a Holocaust victim.

(3) The subtraction under paragraph (2) of this subsection includes interest on the proceeds receivable as insurance under policies issued to a Holocaust victim by European insurance companies prior to and during World War II.

(4) The subtraction under paragraph (2) of this subsection does not include:

(i) assets acquired with the assets described in paragraph (2) of this subsection; or

(ii) assets acquired with the proceeds from the sale of the assets described in paragraph (2) of this subsection.

(5) The subtraction under paragraph (2)(i) of this subsection shall only apply if the individual:

(i) is the first recipient of the assets described in paragraph (2)(i) of this subsection after their recovery; and

(ii) is:

1. a Holocaust victim; or

2. a spouse or descendant of a Holocaust victim.

(u) *Amounts received by Authority affiliate.* — Repealed by Acts 2002, ch. 417, § 1, effective June 1, 2002.

(v) *Artistic work, etc.* — (1) In this subsection, “artistic work”, “arts and entertainment district”, and “qualifying residing artist” have the meanings stated in § 4-701 of the Economic Development Article.

(2) The subtraction under subsection (a) of this section includes the amount of income derived within an arts and entertainment district by a qualifying residing artist from the publication, production, or sale of an artistic work that the artist created, wrote, composed, or executed in the arts and entertainment district.

(3) For the purpose of determining whether income is derived within an arts and entertainment district for the purpose of this subsection, a qualifying

residing artist shall allocate receipts and expenses as the Comptroller may require.

(w) *Foreign earned income.* — (1) In this subsection:

(i) except as provided in item (ii) of this paragraph, “foreign earned income” means foreign earned income within the meaning of § 911(b)(1) of the Internal Revenue Code, subject to the limitation under § 911(b)(2) of the Internal Revenue Code; and

(ii) “foreign earned income” includes amounts paid by the United States or an agency of the United States to an employee of the United States or of an agency of the United States.

(2) Subject to the limitation under paragraph (3) of this subsection, for each taxable year beginning after December 31, 2006, but before January 1, 2010, the subtraction under subsection (a) of this section includes the foreign earned income of an individual earned as an employee of the United States or of an agency of the United States.

(3) The amount subtracted under this section:

(i) does not include any amount subtracted under any other provisions of this section; and

(ii) may not exceed \$3,500 for any taxable year.

(x) *Grant under Solar Energy Grant Program.* — The subtraction under subsection (a) of this section includes an amount received as a grant under the Solar Energy Grant Program under § 9-2007 of the State Government Article.

(y) *Payment for land acquisition by Department of Transportation from individual’s principal residence.* — (1) In this subsection, “principal residence” has the meaning stated in § 121 of the Internal Revenue Code.

(2) Subject to paragraph (3) of this subsection, the subtraction under subsection (a) of this section includes the amount of a gain resulting from a payment from the Maryland Department of Transportation to an individual for the acquisition of a portion of the individual’s property on which the individual’s principal residence is located.

(3) The amount subtracted under this subsection may not exceed the amount that may be excluded from income on the condemnation of an individual’s principal residence under § 121 of the Internal Revenue Code.

(z) *Noneconomic damages as result of claim of unlawful discrimination.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Lost pay” means wages, salary, or other compensation attributable to services performed, or that would have been performed but for a claimed violation of law, as an employee, a former employee, or a prospective employee.

(iii) 1. “Noneconomic damages” means amounts received by a claimant in satisfaction of a claim of unlawful discrimination, other than compensation for lost pay or punitive damages.

2. “Noneconomic damages” includes amounts received as a result of a claim of unlawful discrimination:

A. whether by judgment or other order or by settlement; and

B. whether payable in a lump sum or periodic payments.

(iv) “Unlawful discrimination” has the meaning stated in § 62(e) of the Internal Revenue Code.

(2) The subtraction under subsection (a) of this section includes any amount received by a claimant for noneconomic damages as a result of a claim of unlawful discrimination.

(aa) *Student loan debt.* — (1) The subtraction under subsection (a) of this section includes the amount of student loan indebtedness discharged.

(2) To qualify for the subtraction modification provided under this subsection, an individual must attach to the individual's income tax return or otherwise file with the Comptroller a copy of the notice stating that the loans have been discharged.

(bb) *Maryland ABLE Program.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Designated beneficiary" means a designated beneficiary as defined in § 18-19C-01 of the Education Article.

(iii) "Qualified disability expenses" has the meaning stated in § 18-19C-01 of the Education Article.

(2) Except as provided in paragraph (3) of this subsection, the subtraction under subsection (a) of this section includes any amount included in federal adjusted gross income as a result of a distribution to a designated beneficiary from an ABLE account under the Maryland ABLE Program.

(3) The subtraction under paragraph (2) of this subsection does not apply to:

(i) a refund under the Maryland ABLE Program; or

(ii) a distribution that is not used for the benefit of the designated beneficiary for qualified disability expenses.

(cc) *Income earned by law enforcement officers in political subdivisions with high crime rates.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Law enforcement agency" has the meaning stated in § 3-201 of the Public Safety Article.

(iii) "Law enforcement officer" means an individual who:

1. in an official capacity is authorized by law to make arrests; and

2. is a member of a law enforcement agency, including a law enforcement officer who serves in a probationary status or at the pleasure of the appointing authority of a county or municipal corporation.

(iv) "Maryland Police Training and Standards Commission" means the unit established under § 3-202 of the Public Safety Article.

(2) The subtraction under subsection (a) of this section includes the first \$5,000 of income earned by a law enforcement officer if:

(i) 1. the law enforcement officer resides in the political subdivision in which the law enforcement officer is employed; and

2. the crime rate in the political subdivision exceeds the State's crime rate; or

(ii) 1. the law enforcement officer is a member of the Maryland Transportation Authority Police; and

2. the law enforcement officer resides in a political subdivision in which the crime rate exceeds the State's crime rate.

(3) On or before September 1, 2016, and every 3 years thereafter, the Maryland Police Training and Standards Commission shall certify to the

Comptroller the political subdivisions in which the crime rate exceeds the State's crime rate.

(dd) *State contributions to Maryland Senator Edward J. Kasemeyer College Investment Plan.* — The subtraction under subsection (a) of this section includes an amount contributed by the State into an investment account under § 18-19A-04.1 of the Education Article.

(ee) *Indebtedness discharged for qualified principal residence indebtedness under the federal Mortgage Forgiveness Debt Relief Act of 2007.* — (1) The subtraction under subsection (a) of this section includes the amount that would have been allowed for indebtedness discharged for qualified principal residence indebtedness under the federal Mortgage Forgiveness Debt Relief Act of 2007, as amended, prior to its expiration on December 31, 2012, and without regard to the date limitation in § 108(a)(1)(e) of the Internal Revenue Code.

(2) The subtraction under paragraph (1) of this subsection applies only to an owner-occupied principal residence.

(3) The subtraction under paragraph (1) of this subsection may not exceed:

(i) \$100,000 for an individual; or

(ii) \$200,000 for a married couple filing a joint return or an individual described in § 2 of the Internal Revenue Code as a head of household or as a surviving spouse.

(ff) *Olympic, Paralympic, Special Olympic, or Deaflympic Games medals and prizes.* — The subtraction under subsection (a) of this section includes:

(1) the value of any medal given by:

(i) the International Olympic Committee;

(ii) the International Paralympic Committee;

(iii) the Special Olympics International Committee; or

(iv) the International Committee of Sports for the Deaf; and

(2) any prize money or honoraria received from the United States Olympic Committee that is the result of a performance at the Olympic Games, the Paralympic Games, the Special Olympic Games, or the Deaflympic Games.

(gg) *Perpetual conservation easement.* — The subtraction under subsection (a) of this section includes the first \$50,000 of compensation received by an individual during the taxable year in exchange for the sale of a perpetual conservation easement on real property located in the State. (An. Code 1957, art. 81, §§ 12G-12, 280, 280D, 280E, 281A; 1988, ch. 2, § 1; ch. 110, § 1; ch. 430, §§ 2, 3; ch. 664, §§ 1, 2; ch. 756; 1989, ch. 5, § 1; ch. 8, § 2; ch. 9, § 2; ch. 178, § 2; ch. 545; ch. 590, § 1; ch. 616, § 1; ch. 637, §§ 1, 2; ch. 780, §§ 1, 2; 1990, ch. 315; 1991, ch. 487, § 5; ch. 671, §§ 2-4; 1992, ch. 22, § 1; ch. 131, § 12; 1992, 1st Sp. Sess., ch. 2, §§ 2-4; 1993, ch. 256, §§ 1, 2; ch. 262; 1994, ch. 146, §§ 2, 3; ch. 468; 1997, ch. 4, § 1; 1998, chs. 4, 5, 571; 1999, ch. 117; ch. 493, § 1; 2000, chs. 185, 494; 2001, ch. 29, § 1; chs. 160, 161, 584, 608; 2002, ch. 19, § 1; ch. 417; 2003, ch. 17; 2005, ch. 175; 2006, chs. 226, 368; 2007, chs. 552, 553; ch. 615, § 1; 2007 Sp. Sess., ch. 3, § 1; 2008, ch. 36; ch. 290, §§ 2, 3; ch. 307, § 1; ch. 548; 2012, ch. 544, § 2; ch. 545, § 2; ch. 587; 2013, ch. 513; 2014, chs. 320, 321, 528, 529; 2015, chs. 21, 125; 2016, ch. 8; ch. 39, § 2; ch. 519, § 2; ch. 689, § 2; ch. 690, § 2; 2017, ch. 231, § 2; chs. 501, 685; 2018, ch. 303; ch. 419, § 5; chs. 572, 573; 2019, chs. 67, 68, 303, 380.)

Effect of amendments. — Chapter 36, Acts 2008, approved April 8, 2008, and effective from date of enactment, made a stylistic change in (c-1)(1)(i).

Section 2, ch. 290, Acts 2008, effective July 1, 2008, reenacted (a) without change; and in (v)(2) added “created” and made a minor, stylistic change.

Section 3, ch. 290, Acts 2008, effective October 1, 2008, substituted “§ 4-701 of the Economic Development Article” for “Article 83A, § 4-701 of the Code” in (v)(1).

Section 1, ch. 307, Acts 2008, effective October 1, 2008, substituted “§ 4-701 of the Economic Development Article” for “Article 83A, § 4-701 of the Code” in (v)(1).

Chapter 548, Acts 2008, effective October 1, 2008, rewrote (s)(iii) and added (s)(2)(iii).

Section 2, chs. 544 and 545, Acts 2012, effective July 1, 2012, made identical changes. Each reenacted (a) without change and added (y).

Chapter 587, Acts 2012, effective July 1, 2012, reenacted (a) without change and added (y) [(z)].

Chapter 513, Acts 2013, effective July 1, 2013, reenacted (a) without change and added (aa).

Chapters 320 and 321, Acts 2014, effective July 1, 2014, made identical changes. Each reenacted (a) without change and added (bb).

Chapters 528 and 529, Acts 2014, effective July 1, 2014, made identical changes. Each reenacted (a) without change; in (y)(3)(i) substituted “\$100,000” for “\$1,000,000”; and in (y)(3)(ii) substituted “\$200,000” for “\$2,000,000.”

Chapter 21, Acts 2015, approved April 14, 2015, and effective from date of enactment, reenacted (y) without change to make a technical correction to the function paragraph of chs. 528 and 529, Acts 2014.

Chapter 125, Acts 2015, effective July 1, 2015, reenacted (a) without change and rewrote (q)(2).

Chapter 8, Acts 2016, approved March 14, 2016, and effective from date of enactment, redesignated former (q)(1)(ii) and (q)(1)(iii) as (q)(1)(iii) and (q)(1)(ii) to codify definitions in alphabetical order.

Section 2, ch. 39, Acts 2016, effective July 1, 2016, reenacted (a) without change and added (cc).

Section 2, ch. 519, Acts 2016, effective July 1, 2016, reenacted (a) without change and added (cc) [(dd)].

Section 2, chs. 689 and 690, Acts 2016, effective July 1, 2016, enacted pursuant to Art. II, § 17(c) of the Maryland Constitution without the Governor’s signature, reenacted (a) without change and added (cc) [(ee)].

Section 2, ch. 231, Acts 2017, effective July 1, 2017, reenacted (a) without change and added (ee).

Chapter 501, Acts 2017, effective July 1, 2017, reenacted (a) without change; and added (ee) [(ff)].

Chapter 685, Acts 2017, effective July 1, 2017, reenacted (a) without change; and deleted “due to total and permanent disability or death” at the end of (aa)(1) and (aa)(2).

Chapter 303, Acts 2018, effective July 1, 2018, reenacted (a) without change, and added (gg).

Chapters 572 and 573, Acts 2018, effective July 1, 2018, reenacted (a) without change; in (q)(2)(i) and (q)(2)(ii) substituted “55 years” for “65 years”; and in (q)(2)(ii) substituted “\$15,000” for “\$10,000.”

Chapters 67 and 68, Acts 2019, effective July 1, 2019, made identical changes. Each reenacted (a) without change; added the (cc)(2)(i)1 designation, redesignated former (cc)(2)(ii) as (cc)(2)(i)2 and added present (cc)(2)(ii).

Chapter 303, Acts 2019, effective June 1, 2019, reenacted (a) and (ee) without change.

Chapter 380, Acts 2019, effective July 1, 2019, reenacted (a) without change; and added “including death benefits” in (q)(1)(ii).

Editor’s note. — For applicability to taxable years after December 31, 1987, see § 4, ch. 664, Acts 1988, and § 4, ch. 756, Acts 1988.

For applicability to taxable years after December 31, 1988, see § 5, ch. 430, Acts 1988, § 8, chs. 8, 9, Acts 1989, § 5, ch. 178, acts 1989, § 2, ch. 545, Acts 1989, and § 5, ch. 637, Acts 1989.

For applicability to taxable years after December 31, 1988, and applicability of changes to income tax withholding and reporting for payments after July 1, 1989, see § 6, ch. 590, Acts 1989.

For applicability to taxable years after December 31, 1989, see § 6, ch. 616, Acts 1989, § 5, ch. 780, Acts 1989, and § 2, ch. 315, Acts 1990.

For applicability to taxable years after December 31, 1990, see § 11, ch. 487, Acts 1991.

For computation of sales and use taxes on cigarettes, see § 5, ch. 671, Acts 1991.

For applicability to taxable years after December 31, 1991, see § 9, ch. 671, Acts 1991, and § 8, ch. 2, Acts 1992, 1st Sp. Sess.

For applicability of § 4 to taxable years after December 31, 1994, see § 10, ch. 671, Acts 1991, and § 8, ch. 2, Acts 1992, 1st Sp. Sess.

For applicability to taxable years after December 31, 1992, see § 4, ch. 256, Acts 1993, and § 2, ch. 262, Acts 1993.

For applicability to taxable years after December 31, 1997, see § 4, ch. 4, Acts 1997, § 5, ch. 4, Acts 1998, § 4, ch. 5, Acts 1998, and § 2, ch. 571, Acts, 1998.

For tax table through 2002 and applicability to taxable years after December 31, 1998, see §§ 3, 4, ch. 493, Acts 1999.

For applicability to persons dying on or after July 1, 1999, and for applicability of computation to taxable years after December 31, 1998, see § 2, ch. 117, Acts 1999.

For applicability to prepaid contracts purchased prior to July 1, 2000, and to taxable years after December 31, 2000, see §§ 2, 3, ch. 494, Acts 2000.

For applicability to tax years after December 31, 2000, for heritage structures certified on or after July 1, 2001 and for applicability of prior statutes to proposed rehabilitations meeting the requirements before June 30, 2001, see § 2, chs. 160, 161, Acts 2001.

For applicability to taxable years after December 31, 2000, see § 2, ch. 584, Acts 2001.

For applicability to taxable years after December 31, 2004, see § 2, ch. 175, Acts 2005.

For applicability to taxable years after December 31, 2005, see § 2, ch. 225, Acts 2006.

For applicability to taxable years after December 31, 2006, see § 2, chs. 552, 553, Acts 2007, and § 3, ch. 615, Acts 2007.

Section 4, ch. 290, Acts 2008, provides that “Section 3 of this Act shall take effect on the taking effect of Chapter 306 (H.B. 1050) of the Acts of the General Assembly of 2008. If Section 3 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.” Chapter 306, Acts 2008, took effect October 1, 2008.

For applicability of (s) to taxable years beginning after December 31, 2007, see § 2, ch. 548, Acts 2008.

Chapters 36, 290, 307, and 548, Acts 2008, all amended this section. None of the chapters referred to the other, and effect has been given to all, as the amended different subsections, except chs. 290 and 307. Chapters 290 and 307 both amended (v)(1) by making the same amendment.

Section 3, chs. 544 and 545, Acts 2012, as amended by ch. 43, Acts 2012, and by chs. 528 and 529, Acts 2014, provides that “Section 2 of this Act shall take effect July 1, 2012, and shall be applicable to all taxable years beginning after December 31, 2012, but before January 1, 2016. It shall remain effective for a period of 4 years and, at the end of June 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.” Pursuant to § 3, chs. 544 and 545, Acts 2012, the amendment is deemed to have abrogated on June 30, 2016.

Chapters 39, 519, 689, and 690, Acts 2016, added (cc). None of the chapters referred to the others, and effect has been given to all. The subsection added by ch. 519 was redesignated as (dd), and the subsection added by chs. 689 and 690 was redesignated as (ee).

For applicability to taxable years after December 31, 2011, see § 2, ch. 587, Acts 2012.

Chapters 544, 545, and 587, Acts 2012, added (y). None of the chapters referred to the others, and the amendments have been reconciled to give effect to all. Subsection (y) as added by ch. 587 was redesignated as (z).

For applicability to taxable years after December 31, 2013, see § 2, chs. 320 and 321, Acts 2014.

For applicability to taxable years after December 31, 2014, see § 2, ch. 627, Acts 2015.

Section 3, ch. 8, Acts 2016, provides that “the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.”

Section 4, ch. 39, Acts 2016, provides that “Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2015.”

Section 8, ch. 519, Acts 2016, provides that “Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2015.”

Section 6, chs. 689 and 690, Acts 2016, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor’s signature, provides that “this Act shall take effect July 1, 2016. Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2016. Section 3 of this Act shall apply beginning in the 2018-2019 academic year.”

Section 3, ch. 231, Acts 2017, as amended by ch. 303, Acts 2019, provides that “Section 2 of this Act shall take effect July 1, 2017, and shall be applicable to all taxable years beginning after December 31, 2016.” Chapter 303, Acts 2019, deleted a prior abrogation of amendment.

Section 2, chs. 501 and 685, Acts 2017, provides that “this Act shall take effect July 1, 2017, and shall be applicable to all taxable years beginning after December 31, 2016.”

Chapters 231 and 501, Acts 2017, added (ee). Neither chapter referred to the other, and effect has been given to both. Subsection (ee) added by ch. 231 was redesignated as (ff).

Section 2, chs. 303, 572 and 573, Acts 2018, provides that “this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017.”

Section 5, ch. 419, Acts 2018, effective June 1, 2018, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 5, ch. 419, Acts 2018, “Maryland

Senator Edward J. Kasemeyer Prepaid College Trust" was substituted for "Maryland Prepaid College Trust" in (s)(2)(i) and (s)(3)(i); and "Maryland Senator Edward J. Kasemeyer College Investment Plan" was substituted for "Maryland College Investment Plan" in (s)(2)(ii).

Section 2, chs. 67, 68, and 380, Acts 2019, provides in part that "this Act shall be applicable to all taxable years beginning after December 31, 2018."

Maryland Law Review. — For comment, "Income Taxes and the Computation of Lost Future Earnings in Wrongful Death and Personal Injury Cases," see 29 Md. L. Rev. 177 (1969).

For comment, "Federal and State Taxation of Municipal Bond Mutual Funds: A Proposal for a Principled State Response to Amendments to the Code," see 37 Md. L. Rev. 619 (1978).

University of Baltimore Law Review. — For comment, "Preserving Historic Structures: An Analysis of Regulatory Legislation and Tax Incentives in Federal, Maryland, and Municipal Law," see 14 U. Balt. L. Rev. 557 (1985).

Constitutionality. — Subsection (o) (now subsection (g)) is not unconstitutional, for it applies only to persons who volunteer their services to nongovernmental fire and rescue companies. It does not treat at all, and therefore does not treat differently, transactions between the State or federal government and their respective employees. 74 Op. Att'y Gen. 275 (1989).

Tax scheme that favors State over federal obligations held discriminatory. — The Maryland tax scheme that taxes only gains on federal obligations, but not on State obligations, is impermissibly discriminatory because it makes federal obligations less attractive (i.e., less valuable) than similar State obligations. *Doneski v. Comptroller of Treas.*, 91 Md. App.

614, 605 A.2d 649 (1992), cert. denied, 327 Md. 523, 610 A.2d 796 (1992), cert. denied, 506 U.S. 1054, 113 S. Ct. 981, 122 L. Ed. 2d 134 (1993).

Applicability of (g). — The tax exemption in (o) (now (g)) does not apply to retirement allowances received by paid firefighting personnel through any State or local retirement system. It applies only to the payments made to volunteers. 74 Op. Att'y Gen. 275 (1989).

Applicability of (p). — The exemption under (q) (now (p)) applies to compensation for any military service performed outside the United States, regardless of the site of the taxpayer's duty station; the exemption is not limited to military service performed while the taxpayer is stationed outside the country. 5 Op. Att'y Gen. 454 (October 15, 1990).

Pensions. — In Maryland, State government worker's pension payments are taxed exactly the same as federal government worker's pension payments; thus, there is no discrimination against federal workers. *Doneski v. Comptroller of Treas.*, 91 Md. App. 614, 605 A.2d 649 (1992), cert. denied, 327 Md. 523, 610 A.2d 796 (1992), cert. denied, 506 U.S. 1054, 113 S. Ct. 981, 122 L. Ed. 2d 134 (1993).

Benefits constituting employer/employee relationship. — In an employment discrimination action, the district court's decision that benefits received by fire company members pursuant to this section were not sufficient as compensation to make them employees under Title VII involved the resolution of a disputed material fact; therefore, summary judgment was inappropriate. *Haavistola v. Community Fire Co.*, 6 F.3d 211 (4th Cir. 1993).

Quoted in *Comptroller of Treas. v. First United Bank & Trust ex rel. Alexander*, 320 Md. 352, 578 A.2d 192 (1990).

Cited in *Baker, Watts & Co. v. Miles & Stockbridge*, 95 Md. App. 145, 620 A.2d 356 (1993).

§ 10-208. Subtractions from federal adjusted gross income — State adjustments.

(a) *In general.* — In addition to the modification under § 10-207 of this subtitle, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(b) *Adoption expenses.* — The subtraction under subsection (a) of this section includes:

(1) if the child is a State resident at the time of adoption, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses not exceeding:

(i) \$6,000 that a parent incurs in the adoption of a child who the State determines is a child with a special need, as described in § 473(c)(1) and (2) of

the Social Security Act, if the adoption is made through a private, nonprofit, licensed adoption agency or a public child welfare agency; and

(ii) \$5,000 that a parent incurs in the adoption of a child without a special need as provided under item (i) of this item; and

(2) if the child is not a State resident at the time of adoption, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses not exceeding:

(i) \$3,000 that a parent incurs in the adoption of a child who the State determines is a child with a special need, as described in § 473(c)(1) and (2) of the Social Security Act, if the adoption is made through a private, nonprofit, licensed adoption agency, or a public child welfare agency; and

(ii) \$2,000 that a parent incurs in the adoption of a child without a special need as provided under item (i) of this item.

(c) *Blindness-related expenses.* — (1) The subtraction under subsection (a) of this section includes expenses that a blind individual or an employer of a blind individual incurs in providing a human or mechanical reader for the individual, if the individual has permanent impairment of both eyes with central visual acuity:

(i) of 20/200 or less in the better eye, with corrective glasses; or

(ii) of more than 20/200 if there is a field defect in which the peripheral field is limited so that the widest diameter of visual field subtends an angular distance no greater than 20 degrees on the better eye.

(2) The total amount of the reading service expenses under paragraph (1) of this subsection may not exceed:

(i) \$1,000 of expenses that an employer incurs for a reader used in the course of a blind individual's employment; and

(ii) to the extent that an expense is not allowed as a medical expense under § 213 of the Internal Revenue Code, \$5,000 of the expenses that a blind individual incurs for personal use or use in employment.

(d) *Enhanced agricultural management equipment.* — (1) In this subsection:

(i) “enhanced agricultural management equipment” means:

1. a planter or drill that:

A. is commonly known as a “no-till” planter or drill; and

B. is designed to minimize the disturbance of the soil in planting crops;

2. liquid manure soil injection equipment that is designed to inject manure into the soil to reduce nutrient runoff;

3. a deep no-till ripper that does not invert the soil profile and is used to address compaction in high residue cropping systems;

4. poultry or livestock manure spreading equipment used by a farm owner or tenant on farmland in accordance with a nutrient management plan prepared by an individual licensed by the Secretary of Agriculture in accordance with Title 8, Subtitle 8 of the Agriculture Article if the manure spreading equipment is used:

A. to spread poultry manure and bedding from normal poultry production with a capability of being calibrated to 1 ton per acre; or

B. to apply solid or liquid livestock waste;

5. vertical tillage equipment used to incorporate livestock manure or poultry litter into the soil;

6. a global positioning system device used for management of agricultural nutrient applications; and

7. an integrated optical sensing and nutrient application system that measures crop status and applies the crop's nitrogen requirements at variable rates based on predicted in-season yield potential for the crop and the predicted responsiveness of the crop to additional nitrogen; and

(ii) "enhanced agricultural management equipment" includes equipment that attaches to or is pulled by equipment listed in item (i) of this paragraph.

(2) Except as provided in paragraph (3) of this subsection, the subtraction under subsection (a) of this section includes 100% of the expenses that a taxpayer incurs to buy and install enhanced agricultural management equipment if:

(i) the equipment has a useful life of at least 4 years;

(ii) the taxpayer:

1. bought the equipment:

A. after December 31, 1985, if the equipment is a planter or drill;

B. after December 31, 1989, if the equipment is liquid manure soil injection equipment;

C. after December 31, 1997, if the equipment is poultry or livestock manure spreading equipment;

D. after December 31, 2001, if the equipment is a deep no-till ripper that does not invert the soil profile; or

E. after December 31, 2012, if the equipment is a global positioning system device used for management of agricultural nutrient applications or an integrated optical sensing and nutrient application system;

2. owns the equipment for at least 3 years after the taxable year in which the subtraction is made; and

3. uses the equipment in agricultural production; and

(iii) for liquid manure soil injection equipment, the equipment is:

1. used on land upon which farm products, as defined under § 10-601 of the Agriculture Article, are raised; and

2. not used to inject sludge into the soil.

(3) The subtraction under subsection (a) of this section includes 50% of the expenses that a taxpayer incurs to buy and install enhanced agricultural management equipment that is vertical tillage equipment used to incorporate livestock manure or poultry litter into the soil if:

(i) the equipment has a useful life of at least 4 years; and

(ii) the taxpayer:

1. bought the equipment after December 31, 2012;

2. owns the equipment for at least 3 years after the taxable year in which the subtraction is made; and

3. uses the equipment in agricultural production.

(4) To qualify for the subtraction under paragraphs (2) and (3) of this subsection, a taxpayer shall file a statement from the Department of Agriculture certifying compliance with the requirements of this section.

(5) If the subtraction allowed under paragraphs (2) and (3) of this subsection exceeds the Maryland taxable income that is computed without the modification allowed under this subsection and the subtraction is not used for the taxable year, the excess may be carried over to succeeding taxable years, not to exceed 5, until the full amount of the subtraction is used.

(e) *Dependent care and household expenses.* — The subtraction under subsection (a) of this section includes expenses for household and dependent care services not exceeding the dollar limit allowed under § 21(c) of the Internal Revenue Code and determined without reference to the percentage limitation in § 21(a)(2) of the Internal Revenue Code.

(f) *Donated artwork.* — The subtraction under subsection (a) of this section includes the fair market value of any artistic, literary, or musical creation or other artwork donated to and accepted by a museum in the State that is open to the general public if:

- (1) the value is not deductible from federal adjusted gross income;
- (2) at least 50% of total income for the current or prior taxable year is derived from the sale of artwork that the individual produced;
- (3) an independent appraiser verifies the fair market value; and
- (4) the adjustment for the artwork is not more than 50% of the individual's gross income in the calendar year of the donation.

(g) *Donated farm products.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Farm product" means a farm product, as defined in § 10-601 of the Agriculture Article, that:

1. is grown or raised primarily to be sold;
2. A. the farmer donates to a gleaning cooperative; or
B. the farmer allows to be harvested or collected, free of charge, by a gleaning cooperative; and
3. is suitable for human consumption when donated.

(iii) "Gleaning cooperative" means a nonprofit organization that is:

1. tax exempt under § 501 of the Internal Revenue Code; and
2. organized and operated to provide and distribute food free of charge to needy individuals, including unemployed and low income individuals.

(iv) "Wholesale market value" means the value of donated farm products based on the wholesale market price of the farm product in the nearest regional market during the calendar week in which the donation is made, determined without consideration of grade or quality of the product, as if the quantity of the product donated were marketable.

(2) The subtraction under subsection (a) of this section includes the amount by which:

- (i) the wholesale market value, determined as of the date of the donation, of farm products donated by an individual during the taxable year to a gleaning cooperative; exceeds

(ii) the amount attributable to the donated farm products that the individual claims as a deduction for a charitable contribution under § 170 of the Internal Revenue Code.

(3) To qualify for the subtraction under paragraph (2) of this subsection, an individual shall file with the individual's income tax return:

(i) a written statement from the gleaning cooperative that receives the farm products that certifies:

1. the quantity of the donated farm products received; and
2. that the donated farm products will be used exclusively to provide free food to needy individuals and will not be transferred in exchange for money, other property, or services; and

(ii) a written statement from the Maryland Department of Agriculture, using such market data as is deemed suitable by the Secretary of that Department, that certifies the wholesale market value of the donated farm products.

(h) *Historic property preservation expenses.* — Repealed by Acts 1996, ch. 601, § 1, effective October 1, 1996.

(i) *Reforestation or timber stand expenses.* — (1) The subtraction under subsection (a) of this section includes twice the amount of expenses for reforestation or timber stand improvement activity on 3 to 1,000 acres of commercial forest land, exclusive of federal funds.

(2) Of the amount under paragraph (1) of this subsection:

(i) 50% may be claimed in the taxable year in which the Department of Natural Resources issues an initial certificate of reforestation or timber stand improvement; and

(ii) 50% may be claimed in the taxable year in which the Department of Natural Resources issues a final certificate of reforestation or timber stand improvement.

(i-1) *Volunteer fire, rescue, or emergency medical services membership.* — (1) The subtraction under subsection (a) of this section includes an amount equal to the amount specified in paragraph (3) of this subsection if an individual is a qualifying volunteer fire, rescue, or emergency medical services member for the taxable year, as determined under paragraph (2) of this subsection.

(2) An individual is a qualifying volunteer fire, rescue, or emergency medical services member for the taxable year eligible for the subtraction modification under this subsection if the individual:

(i) is an active member of:

1. a bona fide Maryland fire, rescue, or emergency medical services organization;
2. an auxiliary organization of a bona fide Maryland fire, rescue, or emergency medical services organization;
3. the United States Coast Guard Auxiliary;
4. the Maryland Defense Force; or
5. the Maryland Civil Air Patrol;

(ii) serves the organization in a volunteer capacity without compensation, except nominal expenses or meals;

(iii) 1. qualifies for active status during the taxable year under:

A. a volunteer fire, rescue, or emergency medical services personnel or auxiliary length of service award program operated by a county or municipal corporation of the State, if the length of service award program requires for active status qualification a minimum of 50 points per year and that points be earned in at least two different categories; or

B. a point system established by a county or municipal corporation that does not operate a volunteer fire, rescue, or emergency medical services personnel or auxiliary length of service award program or by the United States Coast Guard Auxiliary, the Maryland Defense Force, or the Maryland Civil Air Patrol, to identify active members of a volunteer fire, rescue, or emergency medical services organization or auxiliary organization, if the point system requires for active status qualification a minimum of 50 points per year and that points be earned in at least two different categories;

2. has maintained active status for at least 25 years under a volunteer fire, rescue, or emergency medical services personnel or auxiliary length of service award program or a point system established in lieu of a length of service award program;

3. is a member of the National Guard or other reserve component of the United States armed forces who has been ordered into active military service and who serves on active duty in the armed forces of the United States during the taxable year; or

4. is a civilian or a member of the Merchant Marine on assignment in support of the armed forces of the United States during the taxable year in an area designated as a combat zone by executive order of the President; and

(iv) will have been an active member of a bona fide Maryland fire, rescue, or emergency medical services organization, an auxiliary organization of a bona fide Maryland fire, rescue, or emergency medical services organization, or the United States Coast Guard Auxiliary, the Maryland Defense Force, or the Maryland Civil Air Patrol for at least 36 months during the last 10 calendar years by December 31 of the taxable year.

(3) The amount of the subtraction under paragraph (1) of this subsection is equal to:

(i) \$4,750 for a taxable year beginning after December 31, 2017, but before January 1, 2019;

(ii) \$5,000 for a taxable year beginning after December 31, 2018, but before January 1, 2020;

(iii) \$6,000 for a taxable year beginning after December 31, 2019, but before January 1, 2021;

(iv) \$6,500 for a taxable year beginning after December 31, 2020, but before January 1, 2022; and

(v) \$7,000 for a taxable year beginning after December 31, 2021.

(4) (i) Each fire, rescue, or emergency medical services organization or auxiliary organization shall:

1. maintain a record of the points earned by each individual during each calendar year;

2. provide each member a report identifying the number of points earned in each category by February 15 of the following year; and

3. provide a report that includes the names, Social Security numbers, and points earned by those members qualifying for the subtraction modification under this subsection to the Maryland State Firemen's Association by May 1 of the following year.

(ii) An individual may not qualify for the subtraction under this subsection based on membership in the United States Coast Guard Auxiliary, the Maryland Defense Force, or the Maryland Civil Air Patrol unless the United States Coast Guard Auxiliary, the Maryland Defense Force, or the Maryland Civil Air Patrol:

1. maintains a record of the points earned by each individual during each calendar year;

2. provides each member a report identifying the number of points earned in each category by February 15 of the following year; and

3. provides a report that includes the names, Social Security numbers, and points earned by those members qualifying for the subtraction modification under this subsection to the Comptroller on or before October 1 of each year.

(5) To qualify for the subtraction modification under this subsection, an individual shall attach to the individual's income tax return a copy of the report provided by the organization under paragraph (4) of this subsection.

(6) On or before October 1 of each year, the Maryland State Firemen's Association shall submit to the Department of Public Safety and Correctional Services and the Office of the Comptroller a report stating the participation in the point system by the various local subdivisions with the names and Social Security numbers of individuals who qualified for the subtraction modification under this subsection for the preceding taxable year.

(7) (i) A person may not knowingly make or cause any false statement or report to be made in any application or in any document required under this subsection.

(ii) Any person who violates or attempts to violate any provision of subparagraph (i) of this paragraph shall be subject to a fine of \$1,000.

(i-2) *Gross income of child included in parent's gross income.* — (1) Except as provided in paragraph (2) of this subsection, the subtraction under subsection (a) of this section includes the gross income of a child included in a parent's gross income under § 1(g)(7) of the Internal Revenue Code.

(2) The subtraction under paragraph (1) of this subsection does not apply for any child who, under § 10-805(b) of this title:

(i) is required to file an income tax return for the taxable year; or

(ii) would have been required to file an income tax return for the taxable year if the parent had not elected the application of § 1(g)(7) of the Internal Revenue Code.

(j) *Volunteer travel expenses.* — (1) The subtraction under subsection (a) of this section includes unreimbursed automobile travel expenses for volunteer service:

(i) to a nonprofit volunteer fire company;

(ii) to an organization whose principal purpose is to provide medical, health, or nutritional care and to which a contribution is deductible under § 170 of the Internal Revenue Code; or

(iii) to provide assistance, other than transportation, to a handicapped individual, as defined under § 190 of the Internal Revenue Code, who is enrolled as a student in a community college of the State.

(2) The amount of the travel expenses under paragraph (1) of this subsection shall be:

(i) computed using the standard mileage rate allowed for unreimbursed automobile travel expenses under § 162 of the Internal Revenue Code; and

(ii) reduced by the amount of unreimbursed automobile travel expenses claimed as an itemized deduction for the same organization on the federal tax return under § 170 of the Internal Revenue Code.

(k) *Salary or wage expenses for targeted jobs.* — The subtraction under subsection (a) of this section includes the amount of salary or wages paid for which a deduction is not allowed under § 280C(a) of the Internal Revenue Code, not exceeding the credit allowed for targeted jobs under § 51 of the Internal Revenue Code.

(l) *Volunteer police auxiliary or reserve volunteer.* — (1) The subtraction under subsection (a) of this section includes an amount equal to the amount specified in paragraph (3) of this subsection if an individual is a qualifying police auxiliary or reserve volunteer for the taxable year, as determined under paragraph (2) of this subsection.

(2) An individual is a qualifying police auxiliary or reserve volunteer for the taxable year eligible for the subtraction modification under this subsection if the individual:

(i) is an active member of a bona fide Maryland police agency;

(ii) serves the organization in a volunteer capacity without compensation, except nominal expenses or meals;

(iii) 1. qualifies for active status during the taxable year under a police auxiliary or reserve volunteer program approved by the Police Training and Standards Commission in conjunction with the Maryland Association of Counties and the Maryland Municipal League, that includes uniform systems for qualification and record keeping, if the program is incorporated into the police agency's rules and regulations;

2. has maintained active status for at least 25 years under the police auxiliary or reserve volunteer program;

3. is a member of the National Guard or other reserve component of the United States armed forces who has been ordered into active military service and who serves on active duty in the armed forces of the United States during the taxable year; or

4. is a civilian or a member of the Merchant Marine on assignment in support of the armed forces of the United States during the taxable year in an area designated as a combat zone by executive order of the President; and

(iv) will have been an active member of a bona fide police agency for at least 36 months during the last 10 calendar years by December 31 of the taxable year.

(3) The amount of the subtraction under paragraph (1) of this subsection is equal to:

(i) \$4,500 for a taxable year beginning after December 31, 2016, but before January 1, 2018;

(ii) \$4,750 for a taxable year beginning after December 31, 2017, but before January 1, 2019; and

(iii) \$5,000 for a taxable year beginning after December 31, 2018.

(4) Each police agency shall:

(i) maintain a record of the activities of each police auxiliary or reserve volunteer during the calendar year;

(ii) provide each member a report by February 15 of the following year indicating that the member qualified during the preceding calendar year; and

(iii) provide a report that includes the names, Social Security numbers, and a certification that the individual qualified for the subtraction modification under this section.

(5) To qualify for the subtraction modification under this subsection, an individual shall attach to the individual's income tax return a copy of the report provided by the police agency under paragraph (4) of this subsection.

(6) On or before October 1 of each year, the police agency shall submit to the Department of Public Safety and Correctional Services and the Office of the Comptroller a report listing the names and Social Security numbers of individuals who qualified for the subtraction modification under this subsection for the preceding taxable year.

(7) (i) A person may not knowingly make or cause any false statement or report to be made in any application or in any document required under this subsection.

(ii) Any person who violates or attempts to violate any provision of subparagraph (i) of this paragraph shall be subject to a fine of \$1,000.

(m) *Expense to buy poultry or livestock manure spreading equipment.* — Repealed by Acts 2013, ch. 257, § 1, and ch. 258, § 1, effective July 1, 2013.

(n) *Advance payments of tuition.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Account holder" has the meaning stated in § 18-1901 of the Education Article.

(iii) "Contributor" means an individual who contributes funds to a Maryland Senator Edward J. Kasemeyer Prepaid College Trust account under Title 18, Subtitle 19 of the Education Article.

(iv) "Qualified higher education expenses" has the meaning stated in § 529 of the Internal Revenue Code.

(2) The subtraction under subsection (a) of this section includes the amount of advance payments of qualified higher education expenses made by an account holder or a contributor during the taxable year as provided under a prepaid contract in accordance with the Maryland Senator Edward J. Kasemeyer Prepaid College Trust.

(3) Subject to paragraph (4) of this subsection, for each prepaid contract, the subtraction under paragraph (2) of this subsection may not exceed \$2,500 for any taxable year.

(4) The amount disallowed as a subtraction under this subsection for any taxable year as a result of the limitation under paragraph (3) of this subsection shall be treated as having been made in the next succeeding taxable year and, subject to the \$2,500 annual limitation for each prepaid contract, may be

carried over to succeeding taxable years until the full amount of the advance payments has been allowed as a subtraction.

(o) *Contributions to investment accounts.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Account holder” means an account holder as defined in § 18-19A-01 or § 18-19B-01 of the Education Article.

(iii) “Contributor” means an individual who contributes funds to a Maryland Senator Edward J. Kasemeyer College Investment Plan or Broker-Dealer College Investment Plan account under Title 18, Subtitle 19A or Subtitle 19B of the Education Article.

(iv) “Investment account” means an investment account as defined in § 18-19A-01 or § 18-19B-01 of the Education Article.

(v) “Qualified designated beneficiary” means a qualified designated beneficiary as defined in § 18-19A-01 or § 18-19B-01 of the Education Article.

(2) (i) Except as provided in subparagraph (ii) of this paragraph and subject to the limitation under paragraph (3) of this subsection, the subtraction under subsection (a) of this section includes the amount contributed by an account holder or a contributor during the taxable year to an investment account.

(ii) The subtraction under subparagraph (i) of this paragraph may not be taken if the account holder received a State contribution under § 18-19A-04.1 of the Education Article during the taxable year.

(3) (i) Subject to paragraph (4) of this subsection, for each account holder or contributor for all investment accounts maintained in the Maryland Senator Edward J. Kasemeyer College Investment Plan and the Maryland Broker-Dealer College Investment Plan for the same qualified designated beneficiary, the subtraction under paragraph (2) of this subsection may not exceed \$2,500 for any taxable year per qualified designated beneficiary.

(ii) For purposes of the limitation under this paragraph, each spouse on a joint return shall be treated separately.

(4) Subject to the \$2,500 annual limitation for each account holder or contributor for each qualified designated beneficiary, the amount disallowed as a subtraction under this subsection for any taxable year as a result of the limitation under paragraph (3) of this subsection may be carried over until used to the next 10 succeeding taxable years as a subtraction.

(p) *Elevator handrails in health care facilities.* — (1) In this subsection, “health care facility” has the meaning stated in § 19-114 of the Health - General Article.

(2) The subtraction under subsection (a) of this section includes 100% of the expenses that a taxpayer incurs to buy and install handrails in an existing elevator in a health care facility or other building in which at least 50% of the space is used for medical purposes.

(q) *Cost difference between disposal systems.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Nitrogen removal technology” has the meaning stated in § 9-1108 of the Environment Article.

(iii) “On-site sewage disposal system” has the meaning stated in § 9-1108 of the Environment Article.

(2) The subtraction under subsection (a) of this section includes the amount by which the cost difference between a conventional on-site sewage disposal system and a system that utilizes nitrogen removal technology exceeds the amount of assistance the Department of the Environment provides the homeowner under § 9-1108 of the Environment Article.

(r) *Payments resulting from foreclosure settlement negotiated by Attorney General.* — The subtraction under subsection (a) of this section includes any payment to an individual made as a result of a foreclosure settlement negotiated by the Attorney General.

(s) *Qualified conservation program expenses.* — (1) In this subsection the following words have the meanings indicated.

(2) (i) “Qualified conservation program expenses” means amounts expended by an individual during the taxable year related to an application for the Forest Conservation and Management Program within the Department of Natural Resources.

(ii) “Qualified conservation program expenses” includes the costs associated with hiring a professional land surveyor and the preparation of a land management program for the conserved property.

(3) The subtraction allowed under subsection (a) of this section includes up to \$500 of qualified conservation program expenses paid by an individual who applies to enter into a forest conservation and management plan with the Department of Natural Resources, if the application is approved by the Department.

(t) *Health insurance for spouse.* — (1) Subject to paragraph (2) of this subsection, the subtraction under subsection (a) of this section includes 100% of the costs of health insurance that a taxpayer incurs on behalf of another individual if the other individual and taxpayer are recognized by the State as lawfully married.

(2) The subtraction under paragraph (1) of this subsection may not exceed the cost of a health insurance premium that:

(i) is paid by the taxpayer or the employer of the taxpayer to provide coverage for the taxpayer’s spouse; and

(ii) is subject to federal income tax under the Internal Revenue Code.

(u) *Unreimbursed expenses of foster parents.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) 1. “Foster parent” means an individual approved by a local department to provide 24-hour care for a foster child in the home where the individual resides.

2. “Foster parent” includes a kinship parent.

3. “Foster parent” does not include a treatment foster parent licensed by a child placement agency.

(iii) “Kinship parent” has the meaning stated in § 5-534 of the Family Law Article.

(iv) “Local department” means a department of social services in a county or the Montgomery County Department of Health and Human Services.

(2) Subject to the requirements of this subsection, the subtraction under subsection (a) of this section includes 100% of the unreimbursed expenses that a foster parent incurs on behalf of a foster child.

(3) (i) The subtraction allowed under paragraph (2) of this subsection includes only an expense that the local department approves as necessary.

(ii) The subtraction under paragraph (2) of this subsection may not include an expense for which the foster parent receives an allowance or a reimbursement from any public or private agency.

(4) On or before October 1 of each year, the Department of Human Services shall submit to the Comptroller a list of approved foster parents.

(5) The subtraction allowed under paragraph (2) of this subsection may not exceed \$1,500.

(v) *Maryland ABLE Program.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “ABLE account contributor” means an individual who contributes money to an ABLE account as defined in § 18-19C-01 of the Education Article.

(iii) “Designated beneficiary” means a designated beneficiary as defined in § 18-19C-01 of the Education Article.

(iv) “Qualified disability expenses” has the meaning stated in § 18-19C-01 of the Education Article.

(2) Subject to the limitation under paragraph (3) of this subsection, the subtraction under subsection (a) of this section includes the amount contributed by an ABLE account contributor during the taxable year to an ABLE account under the Maryland ABLE Program.

(3) (i) Subject to paragraph (4) of this subsection, for each ABLE account contributor under the Maryland ABLE Program, the subtraction under paragraph (2) of this subsection may not exceed \$2,500 for any taxable year per qualified designated beneficiary.

(ii) For purposes of the limitation under this paragraph, each spouse on a joint return shall be treated separately.

(4) Subject to the \$2,500 annual limitation for each ABLE account contributor per qualified designated beneficiary, any amount disallowed as a subtraction under this subsection for any taxable year as a result of the limitation under paragraph (3) of this subsection may be carried over until used to the next 10 succeeding taxable years as a subtraction.

(w) *Donation of organs.* — (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Organ” means all or part of an individual’s liver, kidney, pancreas, intestine, lung, or bone marrow.

(iii) “Qualified expenses” means any unreimbursed travel expenses, lodging expenses, or lost wages.

(2) The subtraction under subsection (a) of this section includes up to \$7,500 of the qualified expenses paid or incurred by a living individual during the taxable year that are attributable to the donation of one or more of the individual’s organs to another individual for organ transplantation.

(x) *Unreimbursed expenses paid or incurred by eligible teacher for purchase of classroom supplies.* — (1) In this subsection, “eligible teacher” means an individual who is a kindergarten through grade 12 classroom teacher in an elementary or secondary school in the State on a full-time basis for an academic year ending during the taxable year.

(2) Subject to paragraph (3) of this subsection, the subtraction allowed under subsection (a) of this section includes up to \$250 of the unreimbursed expenses paid or incurred by an eligible teacher during a taxable year for the purchase of classroom supplies if the supplies are used by:

- (i) students in the classroom; or
- (ii) the eligible teacher to prepare for or during classroom teaching.

(3) The amount allowed as a subtraction under paragraph (2) of this subsection does not include an expense that is subtracted from federal adjusted gross income under § 62 of the Internal Revenue Code. (1989, ch. 178, § 2; ch. 616, § 2; 1990, ch. 7, § 1; chs. 345, 358; 1991, ch. 126; ch. 487, § 3; 1992, ch. 164; 1994, ch. 3, § 1; 1995, ch. 508; 1996, ch. 354; ch. 601, § 1; 1997, ch. 485; 1998, chs. 324, 325, 384, 572; 1999, chs. 7, 375, 583, 584; 2000, chs. 472, 494, 517, 665; 2001, chs. 436, 437, 634; 2002, ch. 313; 2003, ch. 267; 2007, ch. 5; 2008, chs. 344, 548; 2009, ch. 280; 2011, chs. 221, 222; 2012, chs. 156, 693; 2013, chs. 257, 258; ch. 384, § 3; ch. 517, § 2; ch. 518, § 2; ch. 546; 2014, chs. 45, 371, 372, 419; 2016, ch. 8, § 5; ch. 39, § 2; ch. 197; ch. 689, § 2; ch. 690, § 2; 2017, ch. 155; ch. 205, § 7; ch. 631; 2018, ch. 36; ch. 419, § 5; chs. 466, 582.)

Effect of amendments. — Chapter 344, Acts 2008, effective July 1, 2008, reenacted (a) without change; deleted (i-1)(2)(iv)1A through (i-1)(2)(iv)1D and (i-1)(2)(iv)2 and made related changes and added “or the United States Coast Guard Auxiliary for at least 36 months” in (i-1)(2)(iv).

Chapter 548, Acts 2008, effective October 1, 2008, rewrote (o).

Chapter 280, Acts 2009, effective October 1, 2009, reenacted (a) without change and added (q).

Chapters 221 and 222, Acts 2011, effective July 1, 2011, made identical changes. Each reenacted (a) without change; added (i-1)(2)(i)4; in (i-1)(2)(iii)1B, in (i-1)(2)(iv), and in the introductory language of (i-1)(3)(ii) added “or the Maryland Defense Force” wherever it appears; and made related changes.

Chapter 156, Acts 2012, effective July 1, 2012, reenacted (a) without change and added (r).

Chapter 693, Acts 2012, effective July 1, 2012, reenacted (a) without change and added (r).

Chapters 257 and 258, Acts 2013, effective July 1, 2013, made identical changes. Each rewrote (d) and deleted (m).

Section 3, ch. 384, Acts 2013, effective October 1, 2013, reenacted (a) without change and substituted “3 to 1,000 acres” for “10 to 100 acres” in (i)(1).

Section 2, chs. 517 and 518, Acts 2013, effective July 1, 2013, made identical changes. Each reenacted (a) without change and added (t).

Chapter 546, Acts 2013, effective July 1, 2014, reenacted (a) without change; added (i-1)(2)(i)5; in (i-1)(2)(iii)1B and (i-1)(2)(iv) and in the introductory language of (i-1)(3)(ii) [(i-

1)(4)(ii)] added “or the Maryland Civil Air Patrol” wherever it appears; and made related changes.

Chapter 45, Acts 2014, approved April 8, 2014, and effective from date of enactment, made stylistic changes in (b)(1)(i) and (b)(2)(i).

Chapters 371 and 372, Acts 2014, effective July 1, 2014, made identical changes. Each reenacted (a) without change; in (i-1) substituted “the amount specified in paragraph (3) of this subsection” for “\$3,500”; added (i-1)(3) and redesignated accordingly; and in (i-1)(5) substituted “paragraph (4)” for “paragraph (3).”

Chapter 419, Acts 2014, effective July 1, 2014, reenacted (a) without change and added (u).

Section 2, ch. 39, Acts 2016, effective July 1, 2016, reenacted (a) without change and added (v).

Chapter 197, Acts 2016, effective July 1, 2016, reenacted (a) without change; added (n)(1)(iii) and (o)(1)(iii) and redesignated accordingly; in (n)(2), (o)(2), (o)(3)(i), and (o)(4) added “or a contributor” or variant.

Section 2, chs. 689 and 690, Acts 2016, effective July 1, 2016, and applicable to all taxable years beginning December 31, 2016, enacted pursuant to Art. II, § 17(c) of the Maryland Constitution without the Governor’s signature, reenacted (a) without change; added the (o)(2)(i) designation; in (o)(2)(i) added the exception at the beginning; added (o)(2)(ii); and made a related change.

Chapter 155, Acts 2017, effective July 1, 2017, reenacted (a) without change; in (1)(1) substituted “the amount specified in paragraph (3) of this subsection” for “\$3,500”; in (1)(2)(iv) substituted “36 months” for “72 months”; added (1)(3) and redesignated accordingly; and updated an internal reference in (1)(5).

Chapter 631, Acts 2017, effective October 1, 2017, substituted “nonprofit” for “not-for-profit” in (b)(1)(i) and (b)(2)(i).

Chapter 36, Acts 2018, effective July 1, 2018, reenacted (a) without change; and added (w).

Chapter 466, Acts 2018, effective July 1, 2018, reenacted (a) without change; and added (w) [(x)].

Chapter 582, Acts 2018, effective July 1, 2018, reenacted (a) without change; and rewrote (i-1)(3).

Editor’s note. — “Section 473(c)(1) and (2) of the Social Security Act,” referenced in (b)(1)(i) and (b)(2)(i), is codified at 42 U.S.C. § 673(c)(1) and (c)(2).

For applicability to taxable years after December 31, 1998, see § 2, ch. 485, Acts 1997, and § 2, ch. 375, Acts 1999.

For applicability to taxable years after December 31, 1997, see § 2, chs. 384, 572, Acts 1998, and § 2, ch. 7, Acts 1999.

For applicability to taxable years after December 31, 1999, see § 2, ch. 472, Acts 2000, § 2, ch. 517, Acts 2000, and § 2, ch. 665, Acts 2000.

For applicability to prepaid contracts purchased prior to July 1, 2000, and to taxable years after December 31, 2000, see §§ 2, 3, ch. 494, Acts 2000, § 2, ch. 517, Acts 2000, and § 2, ch. 665, Acts 2000.

For applicability to taxable years after December 31, 2000, see § 2, chs. 436, 437, Acts 2001, and § 2, ch. 634, Acts 2001.

For applicability to taxable years after December 31, 2001, see § 2, ch. 313, Acts 2002.

For applicability to taxable years after December 31, 2002, see § 2, ch. 267, Acts 2001.

For applicability of (o) to taxable years beginning after December 31, 2007, see § 2, ch. 548, Acts 2008.

For applicability of (q) to taxable years beginning after December 31, 2009, see § 2, ch. 280, Acts 2009.

For applicability to taxable years beginning after December 31, 2011, see § 2, chs. 221 and 222, Acts 2011.

For applicability of (r) to taxable years beginning after December 31, 2011, see § 4, ch. 548, Acts 2012.

For applicability to taxable years beginning after December 31, 2011, see § 2, ch. 693, Acts 2012.

For applicability to taxable years beginning after December 31, 2012, see § 2, chs. 257 and 258, Acts 2013.

For applicability to decedents dying and to taxable years beginning after December 31, 2012, see § 3, chs. 517 and 518, Acts 2013.

For applicability to taxable years beginning after December 31, 2014, see § 2, ch. 546, Acts 2013.

For applicability to taxable years beginning after December 31, 2013, see § 2, ch. 419, Acts 2014.

Pursuant to § 5, ch. 8, Acts 2016, “item” was substituted for “subitem” in (b)(1)(ii) and (b)(2)(ii); and “Police Training and Standards Commission” was substituted for “Police Training Commission” in (l)(2)(iii)1.

Section 4, ch. 39, Acts 2016, provides that “Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2015.”

Section 2, ch. 197, Acts 2016, provides that “this Act shall take effect July 1, 2016, and shall be applicable to all taxable years beginning after December 31, 2015.”

Section 6, chs. 689 and 690, Acts 2016, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor’s signature, provides that “this Act shall take effect July 1, 2016. Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2016. Section 3 of this Act shall apply beginning in the 2018-2019 academic year.”

Chapters 197, 689, and 690, Acts 2016, amended (o). None of the chapters referred to the others, and effect has been given to all, as they amended different portions of (o), except that the language was blended to show the changes by all chapters in (o)(2)(i).

Section 7, ch. 205, Acts 2017, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 7, ch. 205, Acts 2017, in (u)(4) “Human Services” was substituted for “Human Resources.”

Section 2, chs. 36 and 466, Acts 2018, provide that “this Act shall take effect July 1, 2018, and shall be applicable to all taxable years beginning after December 31, 2017.”

Section 5, ch. 419, Acts 2018, effective June 1, 2018, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 5, ch. 419, Acts 2018, “Maryland Senator Edward J. Kasemeyer Prepaid College Trust” was substituted for “Maryland Prepaid College Trust” in (n)(1)(iii) and (n)(2); and “Maryland Senator Edward J. Kasemeyer College Investment Plan” was substituted for “Maryland College Investment Plan” in (o)(1)(iii) and (o)(3)(i).

Chapters 36 and 466, Acts 2018, added (w). Neither chapter referred to the other, and effect has been given to both. Subsection (w) added by ch. 466 was redesignated to be (x) because of the multiple enactment.

For applicability to taxable years after December 31, 1997, and notice to farmers by the Department of Agriculture, see §§ 8 and 14, chs. 324, 325, Acts 1998.

University of Baltimore Law Forum. — For an article, “Protecting Maryland’s Environment: A Holistic Solution,” see 40 U. Balt. L. F. 205 (2010).

Contributions to College Investment Plan. — A Maryland taxpayer may take a subtraction modification of up to \$ 2,500 each year for contributions to the College Investment Plan on behalf of a particular beneficiary; those contributions may be made to one or more portfolios that are part of the Plan, and the taxpayer may take a similar deduction for each beneficiary for which the taxpayer made contributions to the Plan. 87 Op. Att’y Gen. 137 (Sept. 9, 2002).

Part III. Exemptions.

§ 10-213. Honorable Louis L. Goldstein Volunteer Police, Fire, Rescue, and Emergency Medical Services Personnel Subtraction Modification Program.

The subtraction modifications for volunteer police, fire, rescue, and emergency medical services personnel under § 10-208(i-1) and (l) of this subtitle shall be known as the Honorable Louis L. Goldstein Volunteer Police, Fire, Rescue, and Emergency Medical Services Personnel Subtraction Modification Program. (2001, ch. 442.)

Subtitle 3. Maryland Taxable Income Calculations for Corporation.

Part II. Maryland Modified Income.

§ 10-304. In general.

Except as provided in Subtitle 4 of this title, the Maryland modified income of a corporation, including a real estate investment trust or regulated investment company, is:

(1) the corporation’s federal taxable income for the taxable year as determined under the Internal Revenue Code and as adjusted under this Part II of this subtitle;

(2) if the corporation is exempt from taxation under § 501 of the Internal Revenue Code, the sum for the taxable year of the corporation’s unrelated business taxable income, as defined under § 512 of the Internal Revenue Code, and its income that is subject to tax under § 527(f)(1) of the Internal Revenue Code, as adjusted under this Part II of this subtitle;

(3) if the corporation is an S corporation, its income that is subject to federal income tax, for the taxable year, as adjusted under this Part II of this subtitle; or

(4) if the corporation is an investment conduit or a special exempt entity, the applicable tax base of the corporation as adjusted under this Part II of this subtitle. (An. Code 1957, art. 81, §§ 280A, 288; 1988, ch. 2, § 1; ch. 135, § 1; 1991, ch. 605.)

Editor's note. — For applicability of § 6 to estimated taxes in fiscal years after December 31, 1990, see § 2, ch. 605, Acts 1991.

Maryland Law Review. — For note discussing *Xerox Corp. v. Comptroller of Treas.*, 290 Md. 126, 428 A.2d 1208 (1981), see 41 Md. L. Rev. 435 (1982).

For note discussing state income taxation of multistate corporations, see 41 Md. L. Rev. 435 (1982).

For a note “Comptroller of the Treasury v. Wynne: Bridging the Gap Between Strands of Jurisprudence on State Income Taxation,” see 75 U. Md. L. Rev. 1092 (2016).

Constitutionality. — The inequality of treatment accorded taxpayers who do and do not elect to report capital gains on an installment basis does not make the tax imposed by this section and §§ 10-305 and 10-307 of this subtitle arbitrary and discriminatory and thus unconstitutional. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

This section and §§ 10-305 and 10-307 of this subtitle do not purport to be a tax on capital gains as such or a tax on installment payments as such. It is rather a tax measured by the yardstick of income reported for federal tax purposes, whether capital gains be reflected in this figure or not. This is by no means the impermissible discrimination identified as taxing one group of persons without including others who are similarly situated. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

The General Assembly, had it seen fit to do so, could have imposed a tax on a taxpayer's gross income, without considering the source from which it came, whether it be earnings, investment income or profit realized from the sale of capital assets, and without granting exemptions, allowing deductions or permitting any other adjustments. If it could validly do this, there is no reason to doubt that it could select some other figure, objectively arrived at upon which the tax could be based. It did this when it chose to base the tax on the figures for adjusted gross income and taxable income as developed by the federal returns. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

Legislative intent. — The legislative intent behind this section was for the Comptroller of the Treasury to accept the taxable income figure reported on the federal tax return as the State modified income, subject to certain statutorily prescribed modifications. *Comptroller of the Treas. v. Gannett Co., Inc.*, 356 Md. 699, 741 A.2d 1130 (1999).

Uniformity requirement of Article 15 of the Declaration of Rights. — The uniformity requirement of Article 15 of the Maryland Declaration of Rights does not apply to taxes on

income. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

Net income is prerequisite to State taxation. — Net income, for corporate tax purposes defined as federal taxable income, is a prerequisite to State taxation. *Ford Motor Land Dev. Corp. v. Comptroller of Treas.*, 68 Md. App. 342, 511 A.2d 578, cert. denied, 307 Md. 596, 516 A.2d 567 (1986).

Nature of tax. — This section and §§ 10-305 and 10-307 of this subtitle do not purport to be a tax on capital gains as such, or a tax on installment payments as such, but is rather a tax liability derived from the concept of income developed for federal income tax purposes. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

Focus and effect of section and §§ 10-305 and 10-307 of this subtitle. — The whole thrust of this section and §§ 10-305 and 10-307 of this subtitle is to impose a tax on the amount determined under the Internal Revenue Code as the taxable income of a corporation. This is a formula or yardstick objectively derived which initially takes no account of the source, nature or composition of the funds; it is simply a figure developed by the federal return. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

The focus of the Maryland income tax is on the taxable income of a corporation, or the adjusted gross income of an individual, as the same is developed in the taxpayer's federal income tax return, subject to the modifications permitted, whether a federal tax is or is not generated by the federal return. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

Exemptions to be strictly construed in favor of taxing authority. — It is fundamental that statutory tax exemptions are strictly construed in favor of the taxing authority and if any real doubt exists as to the propriety of an exemption, that doubt must be resolved in favor of the State. *Xerox Corp. v. Comptroller of Treas.*, 290 Md. 126, 428 A.2d 1208 (1981).

Taxable income. — Subsection (b) of § 10-307 of this subtitle, which allows a subtraction for the amount included in the income of a domestic corporation claiming a foreign tax credit as dividends under § 78 of the Internal Revenue Code, is not part of definition of taxable income; the scope of the State's taxation of corporate income is set out in this section. *Xerox Corp. v. Comptroller of Treas.*, 290 Md. 126, 428 A.2d 1208 (1981).

Beginning point for apportionment. — This section establishes a corporate taxpayer's federal taxable income as the beginning point for apportionment. *NCR Corp. v. Comptroller of Treas.*, 313 Md. 118, 544 A.2d 764 (1988).

Capital gains and losses. — This section and §§ 10-305 and 10-307 of this subtitle

brought capital gains and losses of a corporate taxpayer within the ambit of the Maryland income tax for the first time. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

The existence of a capital gain is realized when the sale is made (assuming the notes received in payment are paid or can be disposed of). *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

When gain becomes taxable. — When a gain becomes a part of the corporation's taxable income — for whatever reason, and whether or not a federal tax is payable — it becomes taxable. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

Modified income of corporation. — The State income tax code bases the State modified income of a corporation on that corporation's federal taxable income, as determined under the federal Internal Revenue Code. *Comptroller of the Treas. v. Gannett Co., Inc.*, 356 Md. 699, 741 A.2d 1130 (1999).

Trial court properly reversed the State Tax Court's decision that found that the closing agreements that the credit association entered into with the Internal Revenue Service (IRS) were merely representative of a settlement with the IRS and did not establish the credit association's federal taxable income, as the State Tax Court's decision represented an error of law; the closing agreements were final, binding determinations of the credit association's federal taxable income, which was used in part to determine the credit association's modified income and resolve the question of whether the credit association was entitled to claim the refunds it sought in the amended tax returns it filed regarding nine separate State tax years. *Comptroller of the Treasury v. Colonial Farm Credit, ACA*, 173 Md. App. 173, 918 A.2d 514 (2007).

Installment sales. — This section and §§ 10-305 and 10-307 of this subtitle are not directed at payments received from installment sales before the date of its enactment. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

Lobbying expenses. — As a result of a disallowance of lobbying expenses as a deduction under federal income tax law, lobbying expenses generally will no longer result in a reduction of a corporation's Maryland corporate

income tax liability. 78 Op. Att'y Gen. 356 (December 22, 1993).

Sums credited to customers by public utility. — A public utility, which is under a regulatory duty to credit to certain customers a percentage of its net margin on sales to other customers, may include the credited amount in determining income tax liability. *Comptroller of Treas. v. Washington Gas Light Co.*, 336 Md. 595, 650 A.2d 241 (1994).

Subchapter S corporation under Maryland tax statutes. — Since the Maryland tax statutes do not accord Subchapter S treatment to a corporate taxpayer which elects to be treated as such for federal tax purposes, it follows that such a taxpayer is looked upon for purposes of the Maryland tax as if it were an ordinary business corporation, and its Maryland stockholders as if they were the holders of shares in such a corporation. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

The fact that a gain recognized by a Subchapter S corporation and reflected in its taxable income may be attributed to the corporation's shareholders under federal law does not alter the fact that it remains within the concept of taxable income upon which the Maryland tax is based. *Marco Assocs. v. Comptroller of Treas.*, 265 Md. 669, 291 A.2d 489 (1972).

Gross-up income not proper deduction. — Without a specific authorization to subtract gross-up income, the circuit court had no power to permit deduction of gross-up income from Maryland tax return. *Comptroller of Treas. v. NCR Corp.*, 71 Md. App. 116, 524 A.2d 93 (1987), modified, 313 Md. 118, 544 A.2d 764 (1988).

Taxation of subsidiary. — Tax court properly assessed income tax liability to the corporation subsidiary that had done business in the State because, inter alia, the tax was based on the subsidiary's separate activities relating to royalties, which had a substantial nexus with the state. Even though the tax liability would have been zero under any of the 3-factor apportionment formulas, the tax was properly imposed by the comptroller because it was within comptroller's discretion to alter an apportionment formula to reflect clearly the income allocable to Maryland. *ConAgra Foods RDM, Inc. v. Comptroller of the Treasury*, 241 Md. App. 547, 211 A.3d 611 (2019).

Subtitle 8. Returns and Declarations.

Part II. Returns and Declarations Generally.

§ 10-818. Public inspection of tax returns.

(a) *Requirement.* — Each organization that is exempt from taxation under § 10-104 of this title and is required to make its federal annual returns available for public inspection under § 6104(e) of the Internal Revenue Code shall also make available for public inspection any annual return required to be filed under this subtitle.

(b) *Time and place.* — A return required to be made available for public inspection under subsection (a) of this section shall be made available:

(1) at any office at which the organization's federal returns are required to be made available; and

(2) for 3 years from the date the return was required to be filed. (1990, ch. 700.)

Editor's note. — For applicability to taxable years after December 31, 1989, see § 2, ch. 700, Acts 1990.

TITLE 11.

SALES AND USE TAX.

*Subtitle 2. Exemptions.***§ 11-204. Exempt charitable or nonprofit sales.**

(a) *Sales to an organization.* — The sales and use tax does not apply to:

(1) a sale to a cemetery company, as described in § 501(c)(13) of the Internal Revenue Code in effect on July 1, 1987;

(2) a sale to a credit union organized under the laws of the State or of the United States;

(3) a sale to a nonprofit organization made to carry on its work, if the organization:

(i) 1. is located in the State;

2. is located in an adjacent jurisdiction and provides its services within the State on a routine and regular basis; or

3. is located in an adjacent jurisdiction whose law:

A. does not impose a sales or use tax on a sale to a nonprofit organization made to carry on its work; or

B. contains a reciprocal exemption from sales and use tax for sales to nonprofit organizations located in adjacent jurisdictions similar to the exemption allowed under this subsection;

(ii) is a charitable, educational, or religious organization;

(iii) is not the United States; and

(iv) except for the American National Red Cross, is not a unit or instrumentality of the United States;

(4) a sale, not exceeding \$500, to a nonprofit incorporated senior citizens' organization made to carry on its work, if the organization:

(i) is located in the State; and

(ii) receives funding from the State or a political subdivision of the State;

(5) a sale to a volunteer fire company or department or volunteer ambulance company or rescue squad located in the State made to carry on the work of the company, department, or squad;

(6) a sale of tangible personal property to a nonprofit parent-teacher association located in the State if the association makes the purchase to contribute the property to a school to which a sale is exempt under item (3) of this subsection or § 11-220 of this subtitle;

(7) a sale to a nonprofit organization made to carry on its work, if the organization:

(i) is qualified as tax exempt under § 501(c)(4) of the Internal Revenue Code; and

(ii) is engaged primarily in providing a program to render its best efforts to contain, clean up, and otherwise mitigate spills of oil or other substances occurring in United States coastal and tidal waters; or

(8) a sale to a bona fide nationally organized and recognized organization of veterans of the armed forces of the United States or an auxiliary of the organization or one of its units, if the organization is qualified as tax exempt under § 501(c)(4) or § 501(c)(19) of the Internal Revenue Code.

(b) *Sales by an organization.* — The sales and use tax does not apply to a sale by:

(1) a bona fide church or religious organization, if the sale is made for the general purposes of the church or organization;

(2) a gift shop at a mental hospital that the Maryland Department of Health operates;

(3) a hospital thrift shop that:

(i) is operated by all volunteer staff;

(ii) sells only donated articles;

(iii) contributes the profits from sales to the hospital with which the shop is associated; and

(iv) is not operated in conjunction with a gift shop or another retail establishment;

(4) a vending facility operated under the Maryland Vending Program for the Blind if:

(i) the facility is located on property held or acquired by or for the use of the United States for any military or naval purpose; and

(ii) a post exchange or other tax-exempt concession is located and operated on the same property;

(5) an elementary or secondary school in the State or a nonprofit parent-teacher organization or other nonprofit organization within an elementary or secondary school in the State for the sale of magazine subscriptions in a fund-raising campaign, if the net proceeds are used solely for the educational benefit of the school or its students, including a sale resulting from an

agreement or contract with an organization to participate in a fund-raising campaign for a percentage of the gross receipts under which students act as agents or salespersons for the organization by selling or taking orders for the sale;

(6) a parent-teacher organization or other organization within an elementary or secondary school in the State or within a school system in the State; or

(7) subject to subsection (e) of this section, a bona fide church, religious organization, or other nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code if:

(i) the sale is made at an auction sale; and

(ii) the proceeds of the sale are used to carry on the exempt purposes of the church or organization.

(c) *Exemption certificate required.* — To qualify as an organization to which a sale is exempt under subsection (a)(3) or (5) of this section, the organization shall file an application for an exemption certificate with the Comptroller.

(d) *Determination letter.* — The Comptroller may treat the possession of an effective determination letter of status under § 501(c)(3) or (13) of the Internal Revenue Code from the Internal Revenue Service as evidence that an organization qualifies under subsection (a)(3) or (5) or (1) of this section, respectively.

(e) *Exemption for certain portion of auction sale proceeds.* — For a sale described under subsection (b)(7) of this section that is not otherwise exempt under this section, only that part of the sale price that qualifies for a deduction under the federal income tax as a charitable contribution under the regulations and guidelines of the Internal Revenue Service is exempt from the sales and use tax under this section. (An. Code 1957, art. 81, §§ 326, 375; 1988, ch. 2, § 1; ch. 110, § 1; 1989, chs. 676, 733; 1994, chs. 664, 711; 1997, chs. 382, 509; 1998, ch. 612; 2006, chs. 210, 217, 218; 2009, ch. 506; 2010, ch. 72, § 5; ch. 509, § 1; ch. 510, § 1; 2012, chs. 452, 453; 2013, ch. 609; 2014, ch. 45; 2017, ch. 214, § 7.)

Effect of amendments. — Chapter 506, Acts 2009, effective June 1, 2009, reenacted (a)(8) without change.

Section 1, chs. 509 and 510, Acts 2010, made identical changes. Each added (a)(9) and made related changes.

Chapters 452 and 453, Acts 2012, effective June 1, 2012, made identical changes. Each added “§ 501(c)(4) or” in (a)(8); deleted (a)(9); and made related changes. Chapters 452 and 453, Acts 2012 deleted a prior abrogation.

Chapter 609, Acts 2013, effective July 1, 2013, added (b)(6) and redesignated accordingly.

Chapter 45, Acts 2014, approved April 8, 2014, and effective from date of enactment, substituted “subsection (b)(7)” for “subsection (b)(6)” in (e).

Editor’s note. — Section 2, chs. 217 and 218, Acts 2006, as amended by ch. 506, Acts 2009, and by chs. 452 and 453, Acts 2012, provides “this Act shall take effect July 1, 2006.” Chapters 452 and 453, Acts 2012, deleted a prior abrogation of amendment.

Pursuant to § 5, ch. 72, Acts 2010, “tax-exempt” was substituted for “tax exempt” in (b)(4)(ii).

Section 3, chs. 509 and 510, Acts 2010, provides in part that “Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapters 217 and 218 of the Acts of the General Assembly of 2006, as amended by Chapter 506 of the Acts of the General Assembly of 2009.” Chapters 452 and 453, Acts 2012, repealed the termination provision specified in Section 2 of Chapters 217 and 218, Acts 2006.

Section 7, ch. 214, Acts 2017, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor’s note following the section affected.” Pursuant to § 7,

ch. 214, Acts 2017, "Maryland Department of Health" was substituted for "Department of Health and Mental Hygiene" in (b)(2).

Maryland Law Review. — For article, "Sales Taxation of Capital Transactions in Maryland," see 33 Md. L. Rev. 3 (1973).

Construction. — Tax exemption statutes are to be strictly construed in favor of the State. The taxing power is never presumed to be surrendered. Every assertion that it has been relinquished must, to be effective, be distinctly supported by clear and unambiguous legislative enactment. To doubt an exemption is to deny it. *Suburban Propane Gas Corp. v. Tawes*, 205 Md. 83, 106 A.2d 119 (1954).

The tax exemption statute should not receive a strained or unreasonable construction that would defeat the purpose of the legislative enactment. *Suburban Propane Gas Corp. v. Tawes*, 205 Md. 83, 106 A.2d 119 (1954).

An exemption from taxation must be strictly construed and to doubt is to deny the exemption. *Central Credit Union v. Comptroller of Treas.*, 243 Md. 175, 220 A.2d 568 (1966).

General Assembly has power to classify.

— The General Assembly, when it passes a revenue measure, has the power to classify, and may impose varying tax burdens on different groups. It is only when the attempted classification has no reasonable basis in the nature of the businesses classified and burdens are imposed unequally on taxpayers between whom there is no real difference that the courts will interfere. *Hooks v. Comptroller of Treas.*, 265 Md. 380, 289 A.2d 332 (1972).

"Nonprofit." — The word "nonprofit" is not meant to designate a separate category of exempt institutions but is only a restriction of the kinds of religious, charitable or educational institutions which are exempt. There is no comma after the word "nonprofit." *Central Credit Union v. Comptroller of Treas.*, 243 Md. 175, 220 A.2d 568 (1966).

The restrictive word "nonprofit" as used in this section is analogous to the more explicit restriction in the exemption from the collateral inheritance tax in § 7-203 of this article which grants an exemption to religious, charitable, scientific, literary or educational institutions. *Central Credit Union v. Comptroller of Treas.*, 243 Md. 175, 220 A.2d 568 (1966).

Determination of exempt status. — The correct test for measuring an organization's tax-exempt status under this section is to consider its charitable and educational activities in combination in determining its exempt status. *Comptroller of Treas. v. Maryland State Bar Ass'n*, 314 Md. 655, 552 A.2d 1268 (1989).

Determination of organization's educational or charitable purpose. — Whether an organization is primarily educational requires a careful examination of its stated purposes, the actual work performed by it, and in partic-

ular the nature and extent of its educational activities. *Comptroller of Treas. v. Maryland State Bar Ass'n*, 314 Md. 655, 552 A.2d 1268 (1989).

Whether an institution is primarily charitable must include a careful examination of the stated purposes of the organization, the actual work performed, the extent to which the work performed benefits the community and the public welfare in general, and the support provided by donations. *Comptroller of Treas. v. Maryland State Bar Ass'n*, 314 Md. 655, 552 A.2d 1268 (1989).

Distribution of income as dividends to members disqualifies. — An institution cannot qualify as a nonprofit organization under this section where it distributes its income to its members in the form of dividends. *Central Credit Union v. Comptroller of Treas.*, 243 Md. 175, 220 A.2d 568 (1966).

National Institute of Health. — The National Institute of Health although an agency of the federal government may fairly be described as "operating a nonprofit . . . charitable scientific . . . or educational institution or organization" within the terms of this section. *John McShain, Inc. v. Comptroller*, 202 Md. 68, 95 A.2d 473 (1953).

Maryland State Bar Association. — Factual determination that the Maryland State Bar Association was not primarily a charitable organization was supported by substantial evidence. *Comptroller of Treas. v. Maryland State Bar Ass'n*, 314 Md. 655, 552 A.2d 1268 (1989).

Purchase through contractor. — It would be a strained construction of this section to hold that persons operating the activities mentioned, should be entitled to the exemption when they purchase directly from a supplier, but not when they acquire the property through an intermediary. *John McShain, Inc. v. Comptroller*, 202 Md. 68, 95 A.2d 473 (1953); *Comptroller of State v. Joseph F. Hughes & Co.*, 209 Md. 141, 120 A.2d 343 (1956).

Supplies purchased by a contractor constructing a building for an organization entitled to the exemption provided by this section are in effect purchased by the exempt organization, and the exemption may be claimed. *John McShain, Inc. v. Comptroller*, 202 Md. 68, 95 A.2d 473 (1953).

Items purchased to fulfill lump-sum contract with Baltimore City and other political subdivisions of the State of Maryland, and which were called for in the specifications, were not exempt from sales tax, where none of the items became component parts of the finished structures, but the value of all the items was destroyed by the use made of them in the progress of the work. *Comptroller of State v. Joseph F. Hughes & Co.*, 209 Md. 141, 120 A.2d 343 (1956).

Materials bought to carry out contract with exempt corporation. — A contracting company which purchased building materials in order to carry out contracts for alterations, additions or repairs to real property owned by a corporation is not exempted from the payment

of Maryland sales and use taxes on the purchase of those materials (held actually consumed by the contractor) by virtue of the fact that the corporation is concededly exempt from such taxes. *Steiner Constr. Co. v. Comptroller of Treas.*, 209 Md. 453, 121 A.2d 838 (1956).

§ 11-206. Food.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Facility for food consumption” does not include parking spaces for vehicles as the sole accommodation.

(3) (i) “Food” means food for human consumption.

(ii) “Food” includes the following foods and their products:

1. beverages, including coffee, coffee substitutes, cocoa, fruit juices, and tea;

2. condiments;

3. eggs;

4. fish, meat, and poultry;

5. fruit, grain, and vegetables;

6. milk, including ice cream; and

7. sugar.

(iii) “Food” does not include:

1. an alcoholic beverage as defined in § 5-101 of this article;

2. a soft drink or carbonated beverage; or

3. candy or confectionery.

(4) “Food for immediate consumption” means:

(i) food obtained from a salad, soup, or dessert bar;

(ii) party platters;

(iii) heated food;

(iv) sandwiches suitable for immediate consumption; or

(v) ice cream, frozen yogurt, and other frozen desserts, sold in containers of less than 1 pint.

(5) “Premises” includes any building, grounds, parking lot, or other area that:

(i) a food vendor owns or controls; or

(ii) another person makes available primarily for the use of the patrons of 1 or more food vendors.

(6) “Substantial grocery or market business” means a business at which at least 10% of all sales of food are sales of grocery or market food items, not including food normally consumed on the premises even though it is packaged to carry out.

(b) *Sale of food stamp items.* — The sales and use tax does not apply to a sale of food stamp eligible food, as defined in 7 U.S.C. § 2012, bought with a food coupon issued in accordance with 7 U.S.C. § 2016.

(c) *Sale by food vendor.* — (1) Except as provided in paragraph (2) of this subsection, the sales and use tax does not apply to a sale of food for consumption off the premises by a food vendor who operates a substantial grocery or market business at the same location where the food is sold.

(2) The exemption under paragraph (1) of this subsection does not apply to:

(i) food that the vendor serves for consumption on the premises of the buyer or of a third party; or

(ii) food for immediate consumption.

(d) *Sales by certain organizations or to certain individuals.* — The sales and use tax does not apply to:

(1) a sale of food:

(i) to patients in a hospital when the food charge is included in the regular room rate;

(ii) by a church or religious organization;

(iii) by a school other than an institution of postsecondary education, including sales at a school by a food concessionaire that is under contract with the school or with its designated contract agent, but not including sales at events that are not sponsored by the school or are not educationally related;

(iv) to students at an institution of postsecondary education if the food charge is for a meal plan or is included in the regular charge for room and board; or

(v) by a nonprofit food vendor if there are no facilities for food consumption on the premises, unless the food is sold within an enclosure for which a charge is made for admission;

(2) if the proceeds of the sale are used to support a bona fide nationally organized and recognized organization of veterans of the armed forces of the United States or auxiliary of the organization or 1 of its units, a sale of food or meals for consumption only on the premises, served by the organization or auxiliary;

(3) if the proceeds of the sale are used to support a volunteer fire company or department or its auxiliary or a volunteer ambulance company or rescue squad or its auxiliary, a sale of food served by the company, department, squad, or auxiliary; or

(4) a sale of food, bottled water, soft drink or carbonated beverage, or candy or confectionery by a nonprofit food vendor at a youth sporting event or 4-H youth event for individuals under the age of 18 years if there are no facilities for food consumption on the premises, unless the sale is within an enclosure for which a charge is made for admission.

(e) *Sale in interstate commerce.* — The sales and use tax does not apply to a sale of food or any beverage in a vehicle that is being operated in the State while in the course of interstate commerce.

(f) *Sale of seafood.* — The sales and use tax does not apply to a sale for consumption off the premises of:

(1) crabs; or

(2) seafood that is not prepared for immediate consumption.

(g) *Sale of snack food.* — (1) In this subsection, “snack food” means:

(i) potato chips and sticks;

(ii) corn chips;

(iii) pretzels;

(iv) cheese puffs and curls;

(v) pork rinds;
 (vi) extruded pretzels and chips;
 (vii) popped popcorn;
 (viii) nuts and edible seeds; or
 (ix) snack mixtures that contain any one or more of the foods listed in items (i) through (viii) of this paragraph.

(2) The sales and use tax does not apply to the sale of snack food through a vending machine.

(h) *Vending machine sales.* — The sales and use tax does not apply to the sale through a vending machine of milk, fresh fruit, fresh vegetables, or yogurt. (An. Code 1957, art. 81, §§ 324, 326, 375; 1988, ch. 2, § 1; 1989, ch. 787; 1990, chs. 3, 4; ch. 6, § 2; 1991, ch. 671, § 1; 1992, 1st Sp. Sess., ch. 1, § 2; 1995, ch. 641; 1996, chs. 85, 86, 115; 1999, ch. 406; 2001, ch. 29, § 1; 2011, ch. 364; 2012, ch. 66, § 1.)

Effect of amendments. — Chapter 364, Acts 2011, effective July 1, 2011, reenacted (a)(4) without change; and added (d)(4) and made related changes.

Section 1, ch. 66, Acts 2012, enacted April 10, 2012, and effective from date of enactment, redesignated (a)(2) through (a)(4) to maintain alphabetical order.

Editor's note. — For applicability to sales on or after July 1, 1989, see § 2, chs. 3 and 4, Acts 1990.

For computation of sales and use taxes on cigarettes, see § 5, ch. 671, Acts 1991.

Maryland Law Review. — For note concerning unconstitutionality of retroactive sales and use taxes, see 19 Md. L. Rev. 72 (1959).

For note on the liability of a national bank to a state for failure to collect a use tax, see 23 Md. L. Rev. 376 (1963).

For article, "Sales Taxation of Capital Transactions in Maryland," see 33 Md. L. Rev. 3 (1973).

Construction. — Tax exemption statutes are to be strictly construed in favor of the State. The taxing power is never presumed to be surrendered. Every assertion that it has been relinquished must, to be effective, be distinctly supported by clear and unambiguous legisla-

tive enactment. To doubt an exemption is to deny it. *Suburban Propane Gas Corp. v. Tawes*, 205 Md. 83, 106 A.2d 119 (1954).

The tax exemption statute should not receive a strained or unreasonable construction that would defeat the purpose of the legislative enactment. *Suburban Propane Gas Corp. v. Tawes*, 205 Md. 83, 106 A.2d 119 (1954).

An exemption from taxation must be strictly construed and to doubt is to deny the exemption. *Central Credit Union v. Comptroller of Treas.*, 243 Md. 175, 220 A.2d 568 (1966).

This section and §§ 11-101, 11-103, 11-407 and 11-408 of this title should be construed together. *F. & M. Schaefer Brewing Co. v. Comptroller of Treas.*, 255 Md. 211, 257 A.2d 416 (1969).

General Assembly has power to classify. — The General Assembly, when it passes a revenue measure, has the power to classify, and may impose varying tax burdens on different groups. It is only when the attempted classification has no reasonable basis in the nature of the businesses classified and burdens are imposed unequally on taxpayers between whom there is no real difference that the courts will interfere. *Hooks v. Comptroller of Treas.*, 265 Md. 380, 289 A.2d 332 (1972).

TITLE 13.

PROCEDURE.

Subtitle 9. Refunds and Offsets.

Part I. Refunds.

§ 13-901. Claimants.

(a) *In general.* — A claim for refund may be filed with the tax collector who collects the tax, fee, or charge by a claimant who:

(1) erroneously pays to the State a greater amount of tax, fee, charge, interest, or penalty than is properly and legally payable;

(2) pays to the State a tax, fee, charge, interest, or penalty that is erroneously, illegally, or wrongfully assessed or collected in any manner; or

(3) pays a tax qualifying for refund under subsections (b) through (h) of this section.

(b) *Alcoholic beverage tax.* — A claim for refund of alcoholic beverage tax may be filed by a claimant who:

(1) buys alcoholic beverages that are exempt under § 5-104(b) of this article;

(2) discontinues an alcoholic beverage business;

(3) discontinues the sale and delivery in the State of alcoholic beverages in certain container sizes; or

(4) holds alcoholic beverages for sale that:

(i) are condemned by an authorized official; or

(ii) if the claim is \$250 or more, are lost, rendered unmarketable, or destroyed in the State due to fire, flood, or other disaster, or due to vandalism or malicious mischief, except loss due to theft.

(c) *Income tax.* — (1) A claim for refund of income tax may be filed by a claimant whose Maryland taxable income is decreased as a result of a federal contract renegotiation under § 1481 of the Internal Revenue Code.

(2) A claim for refund of income tax under this subsection or subsection (a) of this section may be filed:

(i) by the claimant; or

(ii) on behalf of the claimant, by a person allowed to file a return under § 10-808 of this article.

(d) *Maryland estate or generation-skipping transfer tax.* — A claim for refund of Maryland estate tax or Maryland generation-skipping transfer tax may be filed by a claimant required to pay the tax if:

(1) the Maryland estate tax is decreased as a result of:

(i) a decrease in the federal estate tax on the estate; or

(ii) an inheritance tax payment made after a Maryland estate tax payment; or

(2) the Maryland generation-skipping transfer tax is decreased as a result of a decrease in the federal generation-skipping transfer tax on the generation-skipping transfer.

(e) *Motor carrier tax.* — A claim for refund of motor carrier tax may be filed by a claimant who has excess motor carrier tax credit, if:

(1) the claimant has provided the security required for a motor carrier under § 13-825 of this title; or

(2) the Comptroller has audited the records of the claimant.

(f) *Motor fuel tax.* — (1) Except as provided in paragraph (3) of this subsection, a claim for refund of motor fuel tax may be filed by a claimant who pays the tax on:

(i) aviation fuel, as defined in § 9-101 of this article, that is:

1. dispensed to aircraft by an aircraft manufacturing company located in the State; or

2. used:

A. by a person who engages in agricultural activities; and

B. in an aircraft that is used for agricultural purposes at least 70% of the time that the aircraft is used; or

(ii) motor fuel, as defined in § 9-101 of this article, that:

1. is used to operate:

A. a bus that is used only in the operation of a transportation system of a political subdivision of the State to transport the public on regular schedules between fixed termini, as defined in Title 11 of the Transportation Article;

B. farm equipment that is used for an agricultural purpose and is not registered to operate on a public highway;

C. fire or rescue apparatus or vehicles by a volunteer fire company or nonprofit volunteer rescue company incorporated in the State;

D. an internal combustion engine that is installed permanently at a fixed location;

E. a vehicle that is owned and used by a Maryland chapter of the American Red Cross or a bona fide unit of a national veterans' organization; or

F. a vehicle that is used only in the operation of a transportation system of a political subdivision of the State to transport the public on demand response trips;

2. is bought by:

A. the United States or a unit of the United States government;

B. the Department of General Services for use by State agencies;

C. a county board of education for use in a school bus owned by a county board of education;

D. a school bus operator under contract with a county board of education for use in a school bus used to transport the county's public school students; or

E. a person who is required to pay a tax on the same fuel to another state;

3. except for any operation of a motor vehicle on a public highway in the State, is used for a commercial purpose, including:

A. the operation of a vessel used only for commercial purposes;

B. commercial cleaning; or

C. commercial dyeing;

4. is used in any of the following vehicles that have pumping or other equipment mechanically or hydraulically driven by the engine that propels the vehicle:

A. a concrete mixing motor vehicle or concrete pump truck;

B. a motor fuel delivery vehicle;

C. a solid waste compacting vehicle;

D. a well-drilling vehicle; or

E. farm equipment registered as a vehicle for highway use that is designed or adapted solely and used exclusively for bulk farm spreading of agriculture liming materials, chemicals, or fertilizer;

5. is used by a system of transportation based in the State, in a vehicle that is used to provide transportation to elderly or low income

individuals, or individuals with disabilities, if the system is operated by a nonprofit organization for purposes relating to the charge for which the nonprofit organization was established and the nonprofit organization:

A. is exempt for federal income tax purposes under § 501(c) of the Internal Revenue Code;

B. is funded to provide transportation to elderly or low income individuals, or individuals with disabilities;

C. receives part of its operating funding from the Maryland Department of Transportation or the Maryland Department of Health;

D. has stated in its charter or bylaws that operating transportation services for elderly or low income individuals, or individuals with disabilities, is one of the purposes for which it was established; and

E. is actively operating a system of transportation for elderly or low income individuals, or individuals with disabilities; or

6. is lost as a result of fire, collision, or other casualty, except for loss in ordinary transportation and storage.

(2) A refund based on a claim under paragraph (1)(ii)4 of this subsection may not exceed the following percentages of the motor fuel tax paid:

(i) 35% for a concrete mixing vehicle or concrete pump truck;

(ii) 55% for farm equipment, registered as a vehicle for highway use, that is designed or adapted solely and used exclusively for bulk spreading of agriculture liming materials, chemicals, or fertilizers;

(iii) 10% for a motor fuel delivery vehicle;

(iv) 15% for a solid waste compacting vehicle; and

(v) 80% for a well-drilling vehicle.

(3) A person may not make a claim for a refund of motor fuel tax under paragraph (1)(ii)1B of this subsection for motor fuel used to operate a farm truck under the provisions of § 8-602(c) of the Transportation Article.

(g) *Sales and use tax.* — A claim for refund of sales and use tax may be filed by a claimant who:

(1) pays the tax on a sale exempt under § 11-216 of this article;

(2) refunds the tax to a buyer in a canceled or rescinded sale under § 11-403(c) or § 11-403.1(c) of this article;

(3) pays the tax in a canceled or rescinded sale for which the vendor or marketplace facilitator refuses to refund the tax as required under § 11-403(c) or § 11-403.1(c) of this article; or

(4) pays the tax under § 11-408(c) of this article on a cash sale or sale for use that is not a retail sale.

(h) *Tobacco tax.* — A claim for refund of tobacco tax may be filed by a claimant who buys tobacco tax stamps that:

(1) are affixed erroneously to anything other than a package of cigarettes;

(2) are affixed to a package of unsalable cigarettes;

(3) are canceled by the Comptroller;

(4) if the claim is \$250 or more, are lost or destroyed in the State due to fire, flood, or other disaster, vandalism, or malicious mischief, except loss due to theft; or

(5) mutilated or damaged, whether or not affixed to a package of cigarettes. (An. Code 1957, art. 2B, § 141; art. 56, §§ 151, 151B, 151C, 152; art.

62A, § 5; art. 81, §§ 215, 348, 399, 414, 441A; 1988, ch. 2, § 1; ch. 110, § 1; ch. 370, § 2; ch. 569, § 1; ch. 643, § 2; 1989, ch. 5, § 1; ch. 649; ch. 656, § 2; 1992, 1st Sp. Sess., ch. 1, § 5; 1995, ch. 176, § 2; 1996, ch. 355, § 1; 1997, ch. 15, § 1; 1999, ch. 133; 2001, ch. 255; 2002, ch. 19, § 4; 2004, ch. 25, § 6; ch. 161; 2005, ch. 444, § 3; 2008, ch. 36; 2009, ch. 221; 2016, ch. 397; 2017, ch. 214, § 7; ch. 522; 2019, ch. 735, § 1.)

Effect of amendments. — Chapter 36, Acts 2008, approved April 8, 2008, and effective from date of enactment, deleted former (f)(1)(ii)3D; added (f)(1)(ii)6; and made related changes.

Chapter 221, Acts 2009, effective October 1, 2009, added the exception in the introductory language of (f)(1); added (f)(3); and made a stylistic change.

Chapter 397, Acts 2016, effective July 1, 2016, added (f)(1)(ii)2C and (f)(1)(ii)2D and redesignated accordingly and made a related change.

Chapter 522, Acts 2017, effective October 1, 2017, added (f)(1)(ii)1F; and made related changes.

Section 1, ch. 735, Acts 2019, effective October 1, 2019, enacted pursuant to art. II, § 17(c) of the Maryland Constitution without the Governor's signature, reenacted (a) without change; and in (g)(2) and (g)(3) added "or § 11-403.1(c)"; and in (g)(3) added "or marketplace facilitator."

Editor's note. — "Section 1481 of the Internal Revenue Code," referenced in (c)(1) was repealed by Act November 5, 1990, P.L. 101-508, Title XI, § 11801(a)(37), 104 Stat. 1388-521, effective Nov. 5, 1990.

For applicability to persons dying on or after July 1, 1989, and applicability of statutes to administration of estates of persons dying prior to July 1, 1989, see § 3, ch. 656, Acts 1989.

Section 7, ch. 214, Acts 2017, provides that "the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor's note following the section affected." Pursuant to § 7, ch. 214, Acts 2017, "Maryland Department of Health" was substituted for "Maryland Department of Health and Mental Hygiene" in (f)(1)(ii)5C.

Section 3, ch. 735, Acts 2019, provides that "this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any sales of tangible personal property or taxable services for delivery in the State before the effective date of this Act [October 1, 2019]."

Maryland Law Review. — For comment discussing sovereign immunity from statutes of

limitation in Maryland, see 46 Md. L. Rev. 408 (1987).

For note, "The Maryland Survey: 2003-2004: Recent Decision," see 64 Md. L. Rev. 1068 (2005).

Who may claim refund. — This section expressly authorizes "he" who paid the excess in taxes to claim the refund. *Latrobe Brewing Co. v. Comptroller of Treas.*, 232 Md. 64, 192 A.2d 101 (1963).

Since the taxpayer made an erroneous tax payment to the State because it thought it was obligated to make such a payment under State law, it could seek a refund of that amount of the payment that was larger than required pursuant to (a)(1). Too, it could obtain interest on the refund pursuant to § 13-603(a) of this title, as the error in paying the tax was not attributable to it given that it believed such a payment was required under State law. *Comptroller of the Treasury v. Sci. Applications Int'l Corp.*, 405 Md. 185, 950 A.2d 766 (2008).

Who may make applications for refund. — Applications for refund may be made only by the taxpayer who paid the tax or by a vendor who has collected the tax from others. *Hooks v. Comptroller of Treas.*, 265 Md. 380, 289 A.2d 332 (1972).

Purpose of Rule 10. — In order to explain, and facilitate the application of this section and §§ 11-403, 13-603, 13-604, 13-902 and 13-905 of this article, the Comptroller adopted Rule 10 of the Comptroller's Rules. *Phillips v. Comptroller of Treas.*, 224 Md. 350, 167 A.2d 913 (1961).

Appeal to State Tax Commission from denial of refund not foreclosed. — This section does not compel a finding of legislative intent that there was to be no right of appeal to the State Tax Commission from the Comptroller's determination not to make a refund of alcoholic beverage taxes. *Latrobe Brewing Co. v. Comptroller of Treas.*, 232 Md. 64, 192 A.2d 101 (1963).

Refund of tax is matter of grace with General Assembly. — Refund of tax is matter of grace with General Assembly so that where no statutory authority exists, no refund can be made. *Comptroller of Treas. v. Campanella*, 265 Md. 478, 290 A.2d 475 (1972).

Heavy hand laid on actions to recover taxes. — In the absence of express statutory warrant, Maryland has laid a heavy hand on actions brought at law to recover taxes paid,

even if paid under protest, when the taxpayer made payment without seeking injunctive relief to test the validity of the imposition. *Rapley v. Montgomery County*, 261 Md. 98, 274 A.2d 124 (1971).

Taxes erroneously or illegally assessed. — See *Wasena Hous. Corp. v. Levay*, 188 Md. 383, 52 A.2d 903 (1947).

This section does not require that the tax for which refund is claimed shall have been paid under protest, or that acquiescence in payment is a bar. The test is error or illegality in assessment or collection. *Latrobe Brewing Co. v. Comptroller of Treas.*, 232 Md. 64, 192 A.2d 101 (1963).

Taxes paid under mistake of law. — Ordinary civil action does not lie for the recovery of taxes voluntarily paid under a mistake of law. *White v. Prince George's County*, 282 Md. 641, 387 A.2d 260 (1978).

Decrease in federal estate tax. — Estate was not entitled to recover interest on the State estate tax refund that it received. An interest payment on the State refund, pursuant to (d)(1)(i), was only required upon the decrease in federal estate tax, and since the State paid that refund within 45 days of the date it was determined that a federal estate tax refund was owed, § 13-603(a) of this title did not require interest be paid on the State refund. *Posner v. Comptroller of the Treasury*, 180 Md. App. 379, 951 A.2d 112 (2008), cert. denied, 957 A.2d 999, 2008 Md. LEXIS 592 (2008).

Alcoholic beverages. — This section embraces the tax on beer, which is concededly an excise tax and not a direct property tax, hence, Tax Court had jurisdiction to decide question of refund. *Latrobe Brewing Co. v. Comptroller of Treas.*, 232 Md. 64, 192 A.2d 101 (1963).

This section and §§ 13-510, 13-532 and 13-902 — 13-904, of this article are in terms broad enough to give a right to claim and receive a refund of alcoholic beverage taxes in proper cases and to appeal from its denial. *Latrobe Brewing Co. v. Comptroller of Treas.*, 232 Md. 64, 192 A.2d 101 (1963).

Gasoline tax. — It was the General Assembly's clear intention to provide a refund to those whose use of gasoline does not entail a use of the State's public highways. Therefore, petitioner was entitled to a refund of gasoline taxes where the fuel in question was used exclusively in unlicensed vehicles which operated solely on private roads within petitioner's manufacturing plant and the vehicles which used the fuel in question were designed for and suitable for operation on public highways but petitioner's intent in not licensing the vehicles was established by the nonlicensing. *Bethlehem Steel Corp. v. Comptroller of Treas.*, Maryland Tax Court, Misc. No. 389, (Filed March 27, 1981).

Availability of administrative remedies. — The administrative remedy available to tax-

payer under this section and §§ 13-902 and 13-904 of this subtitle is foreclosed when the taxing unit files a complaint for taxes due in circuit court. *Hampton Assocs. v. Baltimore County*, 66 Md. App. 551, 505 A.2d 537 (1986), cert. denied, 307 Md. 406, 514 A.2d 24 (1986).

Administrative remedy is exclusive. — If defendant sheriffs had unlawfully collected fees for service of papers in the prosecution of motor vehicle cases from the plaintiff and other members of the putative class, each one had an administrative remedy, and that administrative remedy is exclusive; thus, plaintiff's complaint failed to set forth a cause of action and should have been dismissed. *Bowman v. Goad*, 348 Md. 199, 703 A.2d 144 (1997).

Exhaustion of administrative remedies. — Appellants were required to exhaust their administrative remedies before the Tax Court prior to availing themselves of judicial review before the circuit court regarding their claims they were entitled to 13% interest on their tax refunds. The administrative remedies provided by the Tax-General Article, including suit before the Tax Court, were plain, adequate, and complete, thereby obviating appellants' ability to circumvent the exclusive jurisdiction of the Tax Court by asserting claims pursuant to 42 U.S.C.S. § 1983. *Holzheid v. Comptroller of the Treasury of Md.*, 240 Md. App. 371, 205 A.3d 43 (2019).

State agency. — Washington Suburban Sanitary Commission is not State agency within the meaning of this section. *Washington Sub. San. Comm'n v. C.I. Mitchell & Best Co.*, 303 Md. 544, 495 A.2d 30 (1985).

Common law. — Common law applies where statutory relief is not available. Where relief is not available under this article, the common law rule applies. *Rapley v. Montgomery County*, 261 Md. 98, 274 A.2d 124 (1971).

Common law rule precludes recovery of taxes paid voluntarily under mistake of law, even if paid under protest and even if the statute under which the tax was paid is later determined to be unconstitutional or invalid. *Rapley v. Montgomery County*, 261 Md. 98, 274 A.2d 124 (1971).

There was no right at common law to recover tax money voluntarily paid under a mistake of law. *Rapley v. Montgomery County*, 261 Md. 98, 274 A.2d 124 (1971).

The only possible escape from this harsh rule is found in the case where the taxing statute itself provides for a refund. *Rapley v. Montgomery County*, 261 Md. 98, 274 A.2d 124 (1971).

A common law action will not lie to recover taxes erroneously paid under a mistake of law. *White v. Prince George's County*, 282 Md. 641, 387 A.2d 260 (1978).

Action in assumpsit. — Where a statute changes the common law rule and provides that the taxpayer is entitled to a refund, but does

not contain a special statutory remedy, an action in assumpsit can be maintained. *Baltimore County v. Xerox Corp.*, 286 Md. 220, 406 A.2d 917 (1979).

Refund due. — Tax court should not have required the State to pay interest on two refunds of sales taxes for which the taxpayer was exempt because, while entitled to the refund, the taxpayer's payment of sales tax on tangible personal property used predominately in a production capacity was based on the taxpayer's

mistaken belief under Md. Code Ann., Tax-Gen. § 11-210(b). *Comptroller of the Treasury v. Jason Pharms., Inc.*, 235 Md. App. 707, 180 A.3d 197 (2018).

Applied in *Anne Arundel County v. Halle Dev., Inc.*, 408 Md. 539, 971 A.2d 214 (2009).

Cited in *Stern v. Bd. of Regents*, 380 Md. 691, 846 A.2d 996 (2004); *Comptroller of the Treasury v. Zorzit*, 221 Md. App. 274, 108 A.3d 581 (2015); *Brutus 630, LLC v. Town of Bel Air*, 448 Md. 355, 139 A.3d 957 (2016).

TAX-PROPERTY.

Title 7.

Property Tax Exemptions.

Subtitle 2. General Property Tax Exemptions.

Sec.

7-209. Fire companies and rescue squads.

Title 9.

Property Tax Credits and Property Tax Relief.

Subtitle 2. Statewide Optional.

9-210. Dwelling owned by spouse or cohabitant of fallen law enforcement officer or rescue worker.

TITLE 7.

PROPERTY TAX EXEMPTIONS.

Subtitle 2. General Property Tax Exemptions.

§ 7-209. Fire companies and rescue squads.

Property is not subject to property tax if the property:

- (1) is owned by an incorporated, nonprofit fire company or rescue squad; and
- (2) is necessary for and actually used exclusively for the purposes of the fire company or rescue squad, including property that:
 - (i) is used for:
 1. training; or
 2. fund raising at carnivals or bazaars;
 - (ii) is held in an advanced land acquisition program of the fire company or rescue squad;
 - (iii) is leased for not more than 60 days during any 12-month period, if:
 1. the property is used for a purpose that is related to the purposes of the fire company or rescue squad; and
 2. the rent that is received from the property is used exclusively for the purposes of the fire company or rescue squad;
 - (iv) is leased to any nonprofit organization, if:
 1. the property is used for a purpose that is related to the purposes of the fire company or rescue squad; and
 2. the rent that is received from the property is used exclusively for the purposes of the fire company or rescue squad; or
 - (v) is used as a residence for an individual who:
 1. is responsible for taking care of property owned by the fire company or rescue squad;
 2. is a member of the fire company or rescue squad;
 3. is not an employee of the fire company or rescue squad; and
 4. is not under an obligation to pay for the use of the property. (An. Code 1957, art. 81, § 9; 1985, ch. 8, § 2; 1989, ch. 743.)

Stated in *Goldstein v. Chestnut Ridge Volunteer Fire Co.*, 984 F. Supp. 367 (D. Md. 1997).

TITLE 9.

PROPERTY TAX CREDITS AND PROPERTY TAX RELIEF.

*Subtitle 2. Statewide Optional.***§ 9-210. Dwelling owned by spouse or cohabitant of fallen law enforcement officer or rescue worker.**

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Cohabitant” means an individual who for a period of at least 180 days in the year before the death of a fallen law enforcement officer or rescue worker:

(i) had a relationship of mutual interdependence with the fallen law enforcement officer or rescue worker; and

(ii) resided with the fallen law enforcement officer or rescue worker in the dwelling.

(3) “Disabled law enforcement officer or rescue worker” means an individual who:

(i) has been found to be permanently and totally disabled by an administrative body or court of competent jurisdiction authorized to make such a determination; and

(ii) became disabled:

1. as a result of or in the course of employment as a law enforcement officer or a correctional officer; or

2. while in the active service of a fire, rescue, or emergency medical service, unless the disability was the result of the individual’s own willful misconduct or abuse of alcohol or drugs.

(4) (i) “Dwelling” means real property that:

1. is the legal residence of a disabled law enforcement officer or rescue worker, a surviving spouse, or a cohabitant; and

2. is occupied by not more than two families.

(ii) “Dwelling” includes the lot or curtilage and structures necessary to use the real property as a residence.

(5) “Fallen law enforcement officer or rescue worker” means an individual who dies:

(i) as a result of or in the course of employment as a law enforcement officer or a correctional officer; or

(ii) while in the active service of a fire, rescue, or emergency medical service, unless the death was the result of the individual’s own willful misconduct or abuse of alcohol or drugs.

(6) “Surviving spouse” means a surviving spouse, who has not remarried, of a fallen law enforcement officer or rescue worker.

(b) *Tax credit.* — The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a

property tax credit under this section against the county or municipal corporation property tax imposed on a dwelling that is owned by a disabled law enforcement officer or rescue worker, a surviving spouse of a fallen law enforcement officer or rescue worker, or a cohabitant:

(1) if the dwelling was owned by the disabled law enforcement officer or rescue worker at the time the law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or by the fallen law enforcement officer or rescue worker at the time of the fallen law enforcement officer's or rescue worker's death;

(2) if the disabled law enforcement officer or rescue worker was domiciled in the State as of the date the disabled law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or the fallen law enforcement officer or rescue worker, the surviving spouse, or the cohabitant was domiciled in the State as of the date of the fallen law enforcement officer's or rescue worker's death and the dwelling was acquired by the disabled law enforcement officer or rescue worker within 10 years of the date the disabled law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or by the surviving spouse or cohabitant within 10 years of the fallen law enforcement officer's or rescue worker's death;

(3) if the dwelling was owned by the surviving spouse or cohabitant at the time of the fallen law enforcement officer's or rescue worker's death; or

(4) if the dwelling was acquired after the disabled law enforcement officer or rescue worker, the surviving spouse, or the cohabitant qualified for a credit for a former dwelling under item (1), (2), or (3) of this subsection, to the extent of the previous credit.

(c) *Local provisions.* — A county or municipal corporation may provide, by law, for:

(1) the amount and duration of a property tax credit allowed under this section;

(2) any additional limitation to the number of years the dwelling was acquired within the date of an adjudication of disability or death; and

(3) any other provision necessary to carry out the provisions of this section. (2002, ch. 489; 2003, ch. 21, § 1; chs. 103, 104; 2008, chs. 585, 586; 2009, ch. 68; 2016, ch. 558, § 1; ch. 559, § 1; 2017, chs. 173, 174; 2018, ch. 12, § 1.)

Effect of amendments. — Chapters 173 and 174, Acts 2017, effective June 1, 2017, deleted the (b)(2)(i) designation; in present (b)(2), substituted “the surviving spouse, or the cohabitant” for “or the surviving spouse”, substituted “10 years” for “2 years” twice and added “or cohabitant” after “spouse”; deleted (b)(2)(ii); deleted “in Harford County” at the beginning of (b)(3); added (c)(2) and redesignated the remaining subsection accordingly and made a related change.

Section 1, ch. 12, Acts 2018, approved April 5, 2018, and effective from date of enactment, substituted “an adjudication of disability or

death” for “being adjudged to be disabled or of death” in (c)(2).

Editor's note. — For applicability to tax years after June 30, 2003, see chs. 103, 104, Acts 2003.

Section 2, chs. 585 and 586, Acts 2008, provides that “this Act shall take effect June 1, 2008, and shall be applicable to all taxable years beginning after June 30, 2008.”

Section 2, chs. 173 and 174, Acts 2017, provides that “this Act shall take effect June 1, 2017, and shall be applicable to all taxable years beginning after June 30, 2017.”

TRANSPORTATION.

Title 2.

Department of Transportation.

Subtitle 1. Organization and General Authority of the Department.

Sec.

2-110. Contracts for waterborne marine fire protection.

Title 3.

Financing by Department.

Subtitle 2. Consolidated Transportation Bonds.

3-202. Power to issue bonds.

3-215. Tax to pay principal and interest; sinking fund.

3-216. Transportation Trust Fund.

3-217. Restriction on transferring funds in Transportation Trust Fund to General Fund or special fund; repayment.

Title 7.

Mass Transit.

Subtitle 2. Maryland Transit Administration.

7-208. Jurisdiction of Administration over transit facilities.

Subtitle 5. Operation of Transit Facilities.

7-506. Hearings.

Title 8.

Highways.

Subtitle 6. Construction and Maintenance.

Part II. Long Range Highway Programs.

8-613.3. Appropriations.

Title 11.

Vehicle Laws — Definitions; General Provisions.

Subtitle 1. Definitions.

11-109.1. [Repealed].

11-118. Emergency vehicle.

11-119. Explosive.

11-123. Flammable liquid.

Title 12.

Vehicle Laws — Motor Vehicle Administration.

Subtitle 1. Administration in General.

12-113. Records — Copies; certified copies; use in judicial proceedings.

Title 13.

Vehicle Laws — Certificates of Title and Registration of Vehicles.

Subtitle 8. Titling Fees and Taxes.

Part II. Excise Tax.

Sec.

13-810. Exemptions.

Subtitle 9. Registration Classifications and Fees.

Part I. General Provisions.

13-903. Exemptions.

Part II. Classified Vehicles.

13-914. Funeral motor vehicles and ambulances: Class C (funeral and ambulance) vehicles.

Part IV. Miscellaneous Fees.

13-954. Surcharge for motor vehicle registration.

13-955. Maryland Emergency Medical System Operations Fund.

Title 16.

Vehicle Laws — Drivers' Licenses.

Subtitle 1. Issuance, Expiration, and Renewal of Licenses.

16-102. Persons exempt from licensing requirements.

16-118. Medical Advisory Board.

16-119. Reports of certain disorders by physicians and specialists.

Title 17.

Vehicle Laws — Required Security.

Subtitle 1. General Security Provisions.

17-107. Prohibitions.

Title 19.

Vehicle Laws — Civil Liability of Governmental Agencies.

19-103. Liability for negligent operation of emergency vehicle.

Title 21.

Vehicle Laws — Rules of the Road.

Subtitle 1. Definitions; General Provisions.

21-106. Emergency vehicles.

21-107. Authority of school crossing guards to direct traffic.

TRANSPORTATION

Subtitle 2. Traffic Signs, Signals, and Markings.

Sec.

21-206. Interference with traffic control devices or railroad signs and signals.

Subtitle 4. Right-of-Way.

21-405. Operation of vehicles on approach of emergency vehicles or tow trucks.

Subtitle 5. Pedestrians' Rights and Rules.

21-510. Pedestrians to yield right-of-way to emergency vehicles.

Subtitle 10. Stopping, Standing, and Parking.

21-1003. Stopping, standing, or parking prohibited in specified places.

Subtitle 11. Miscellaneous Rules.

21-1109. Following fire apparatus prohibited; passing parking or backing emergency vehicles prohibited.

21-1110. Crossing fire hose.

21-1120. Wearing earphones, headsets, etc., prohibited.

21-1124. Prohibition against use of wireless communication device while driving by minor holding learner's permit or provisional license.

21-1124.2. Communications Traffic Safety Act.

Subtitle 14. Operation of Vehicles on Certain Toll Facilities.

21-1408. Prohibited turns.

Title 22.

Vehicle Laws — Equipment of Vehicles.

Subtitle 1. Scope and Effect of Equipment Provisions.

22-105. Alterations reducing effectiveness of bumpers.

Subtitle 2. Lamps and Other Lighting Equipment.

22-217. Spot lamps, fog lamps, and auxiliary driving lamps.

22-218. Audible and visual signals on vehicles.

Sec.

22-227. Special restrictions on lamps.

Subtitle 4. Other Equipment.

22-401. Horns and warning devices.

22-404.1. Display of emblems and signs.

22-404.3. Identification of certain vehicles.

22-404.4. Identification decals for propane fueled vehicles.

22-404.5. Power booster systems prohibited; exceptions.

22-412.4. Seat belts or restraining devices in emergency vehicles.

22-414. Transmission or reception of information.

22-414.1. Video display equipment.

Subtitle 6. Noise Abatement Program.

22-604. Motor vehicle operation — Exemption of emergency vehicles.

Title 23.

Vehicle Laws — Inspection of Used Vehicles and Warnings for Defective Equipment.

Subtitle 2. Motor Vehicle Emissions Inspection.

23-206.1. Exemption of ambulances.

Title 25.

Vehicle Laws — Respective Powers of State and Local Authorities; Disposition of Abandoned Vehicles.

Subtitle 1. Powers of State and Local Authorities.

25-102. Powers of local authorities.

Title 27.

Vehicle Laws — Penalties; Disposition of Fines and Forfeitures.

27-101. Misdemeanor — Penalties; exceptions.

27-101.2. False statement on affidavit of lawful possession or application for a certificate of authority. [Repealed].

27-105. Penalties for certain weight violations. [Repealed].

TITLE 2.

DEPARTMENT OF TRANSPORTATION.

*Subtitle 1. Organization and General Authority of the Department.***§ 2-110. Contracts for waterborne marine fire protection.**

The Department may enter into contracts for the provision of waterborne marine fire protection and related waterborne emergency services to port facilities, as defined in § 6-101 of this article, and to vessels that are in any of the navigable waters of this State within the territorial jurisdiction of the Maryland Port Administration. (1982, ch. 487.)

TITLE 3.

FINANCING BY DEPARTMENT.

*Subtitle 2. Consolidated Transportation Bonds.***§ 3-202. Power to issue bonds.**

(a) *Power in general.* — The Department from time to time may issue its bonds on behalf of this State to finance the cost of any one or more or combination of transportation facilities.

(b) *Designation of bonds; maximum amount generally.* — The bonds shall be known as “consolidated transportation bonds” and may be issued in any amount as long as the aggregate outstanding and unpaid principal balance of these bonds and bonds of prior issues does not exceed at any one time the sum of \$4.5 billion.

(c) *Preferred method.* — The preferred method of issuance of the Department’s consolidated transportation bonds is by a public, competitive sale.

(d) *Private, negotiated sale.* — The Department may issue its consolidated transportation bonds at a private, negotiated sale provided that:

(1) The Secretary determines that extraordinary credit market conditions exist that warrant the use of this method rather than a public, competitive sale; and

(2) The Secretary determines that the terms and conditions, including price, interest rates, and payment dates, that can be achieved by a private negotiated sale are more advantageous to the State.

(e) *Establishment of maximum outstanding, unpaid balance for next fiscal year.* — The maximum outstanding and unpaid principal balance of consolidated transportation bonds and bonds of prior issues as of June 30 for the next fiscal year:

(1) Shall be established each year by the General Assembly in the State budget; and

(2) May not exceed the limit established in subsection (b) of this section. (An. Code 1957, art. 94A, § 4; 1977, ch. 13, § 2; 1992, 1st Sp. Sess., ch. 3, § 1;

2002, ch. 440, § 14; 2004, ch. 9; 2007 Sp. Sess., ch. 6, § 4; 2009, chs. 641, 642; 2013, ch. 429, § 3.)

Effect of amendments. — Section 4, ch. 6, Acts 2007 Sp. Sess., effective January 1, 2008, substituted “\$2.6 billion” for “\$2.0 billion” in (b).

Chapters 641 and 642, Acts 2009, effective July 1, 2009, made identical changes. Each added (c) and (d) and redesignated accordingly.

Section 3, ch. 429, Acts 2013, effective June 1, 2013, substituted “\$4.5 billion” for “\$2.6 billion” in (b).

§ 3-215. Tax to pay principal and interest; sinking fund.

(a) *Levy of annual tax.* — (1) For the purpose of paying the principal of and interest on consolidated transportation bonds as they become due and payable, there is hereby levied and imposed an annual tax that consists of the taxes specified in this section and, to the extent necessary and except as otherwise provided in this subsection, that shall be used and applied exclusively for that purpose.

(2) The required use and application of the tax under paragraph (1) of this subsection is subject only to the prior use and application of one or all or any combination of the taxes specified in this section to meet the debt service on all of the following bonds while they are outstanding and unpaid and to the payment of which any part of those taxes has been pledged:

(i) Bonds of prior issues; and

(ii) Bonds of any series of county transportation bonds issued under Subtitle 3 of this title.

(b) *Taxes enumerated.* — The tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2-1103(2), 2-1103(3), and 2-1104(a)(3) of the Tax - General Article;

(2) The motor fuel tax revenue attributable to the sales and use tax equivalent rate imposed under § 9-306 of the Tax - General Article and distributed under § 2-1103(4) of the Tax - General Article;

(3) The income tax revenue distributed under § 2-614 of the Tax - General Article;

(4) The excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article; and

(5) The sales and use tax revenues distributed under § 2-1302.1 of the Tax - General Article.

(c) *Sinking fund.* — As long as any consolidated transportation bonds are outstanding and unpaid, and except as provided in § 3-104 of this title, there shall be deposited and maintained in a sinking fund to be maintained by the State Treasurer to secure the payment of the principal of and interest on the bonds, annually or more often, as received, so much of the proceeds of the tax levied and imposed under this section, together with all other funds received by the Department and credited to the Transportation Trust Fund, as are necessary to maintain in the sinking fund a sum equal to the amount required to pay the principal of and interest on the outstanding and unpaid bonds that

will become due and payable in the current calendar year and the next succeeding calendar year.

(d) *Pledge of tax.* — The tax levied and imposed by this section is irrevocably pledged to the payment of the principal of and interest on consolidated transportation bonds as they become due and payable, and no part of the tax or other funds applicable to debt service on the bonds may be repealed, diminished, or applied to any other purpose until:

(1) The bonds and the interest on them have become due and fully paid; or

(2) Adequate and complete provision for payment of the principal and interest has been made.

(e) *Government obligations.* — (1) In this subsection “government obligations” means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(2) Adequate and complete provision for payment of the principal and interest of any issue or series of consolidated transportation bonds may be made by the Secretary and the State Treasurer by making a transfer of government obligations from the Transportation Trust Fund to the State Treasurer or to a bank or trust company as escrow fund agent in an amount which, together with the income due thereon, will be sufficient to pay in full when due the maturing principal of and interest on the consolidated transportation bonds.

(3) To the extent that adequate and complete provision has been made for the payment of consolidated transportation bonds under this title those bonds shall no longer be deemed to be outstanding and unpaid under this title. (An. Code 1957, art. 94A, § 9; 1977, ch. 13, § 2; 1986, ch. 1; 1987, ch. 11, § 1; ch. 291, § 4; 1988, ch. 110, § 1; ch. 643, § 3; 1989, ch. 255; 1992, 1st Sp. Sess., ch. 3, § 1; 1994, ch. 643; 1998, ch. 706; 2000, ch. 295, § 1; ch. 296, § 1; 2001, ch. 29, § 6; ch. 568, § 2; 2002, ch. 440, §§ 8, 14; 2004, ch. 9; 2007 Sp. Sess., ch. 6, § 4; 2008, ch. 36, § 5; 2011, ch. 397, § 1; 2013, ch. 43, § 5; ch. 429, § 3.)

Effect of amendments. — Section 4, ch. 6, Acts 2007 Sp. Sess., effective January 1, 2008, substituted “§§ 2-1302.1 and 2-1302.2” for “§ 2-1302.1” in (b)(4).

Section 1, ch. 397, Acts 2011, effective June 1, 2011, substituted “§ 2-1302.1” for “§§ 2-1302.1 and 2-1302.2” in (b)(4).

Section 3, ch. 429, Acts 2013, effective June 1, 2013, deleted (a)(2)(ii) and redesignated accordingly; in (b)(1) substituted “§§ 2-1103(2), 2-1103(3), and 2-1104(a)(2) [2-1104(a)(3)]” for “§§ 2-1103(2) and 2-1104(a)(2)”; added (b)(2); and made a related change.

Editor’s note. — Section 5, ch. 36, Acts 2008, approved April 8, 2008, and effective from date of enactment, provides that “any reference in the Annotated Code of Maryland rendered incorrect or obsolete by an Act of the General Assembly of 2008 shall be corrected by the publishers of the Annotated Code, in consultation with and subject to the approval of the

Department of Legislative Services, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 5 of ch. 36, “2-1104(a)(2)” was substituted for “2-1104(4)” in (b)(1), following the amendments by § 5, ch. 6, Acts 2007 Sp. Sess. and ch. 414, Acts 2008.

Section 5, ch. 43, Acts 2013, provides that “the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 5, ch. 43, Acts 2013, “2-1104(a)(3)

of the Tax - General Article" was substituted for "2-1104(a)(2) of the Tax - General Article" in (h), following the amendment by ch. 180, Acts 2013.

§ 3-216. Transportation Trust Fund.

(a) *Fund established.* — There is a Transportation Trust Fund for the Department.

(b) *Composition of Fund; distributions to Major Information Technology Development Project Fund.* — (1) Except as otherwise expressly provided by statute and paragraph (2) of this subsection, there shall be credited to the Transportation Trust Fund for the account of the Department all taxes, fees, charges, and revenues collected or received by or paid, appropriated, or credited to the account of the Department or any of its units in the exercise of their rights, powers, duties, or obligations, including the cash proceeds of the sale of consolidated transportation bonds, notes, or other evidences of obligation issued by the Department, any General Fund appropriations, and the proceeds of any State loan or federal grant made for transportation purposes.

(2) Any revenues from an information technology agreement involving resource sharing that are collected or received by or paid, appropriated, or credited to the account of the Department or any of its units shall be distributed to the Major Information Technology Development Project Fund established under § 3A-309 of the State Finance and Procurement Article.

(c) *Special sinking fund accounts.* — (1) There shall be maintained in the Transportation Trust Fund one or more sinking fund accounts to which shall be credited and from which shall be paid, from the proceeds of the taxes levied and imposed for that purpose or from any other funds of the Department, amounts sufficient at all times to meet the debt service on all bonds of prior issues and consolidated transportation bonds from time to time outstanding and unpaid.

(2) (i) The Gasoline and Motor Vehicle Revenue Account, the Driver Education Account, and the Motorcycle Safety Program Account shall be maintained in the Transportation Trust Fund.

(ii) In each fiscal year, the Department shall budget from federal funds available to the Department, other funds in the Transportation Trust Fund, and any other funds available to the Department, an amount sufficient to fund projects and programs determined by the Secretary to be necessary to achieve the bicycle and pedestrian transportation goals identified for the fiscal year under Title 2, Subtitle 6 of this article.

(d) *Other uses of Fund.* — (1) After meeting its debt service requirements, the Department may use the funds in the Transportation Trust Fund for any lawful purpose related to the exercise of its rights, powers, duties, and obligations.

(2) Expenditures under this subsection shall be made in accordance with any appropriation provided for in any applicable budget bill or supplementary appropriation bill. However, an appropriation proposed to be made to any unit in the Department or proposed to be made for any designated transportation activity, function, or undertaking that has been reduced by the General

Assembly may not be restored, for the same purpose as originally proposed, except in an emergency, by the budget amendment procedure of § 7-209 of the State Finance and Procurement Article, or otherwise if the General Assembly in striking or reducing the appropriation, prohibited its restoration. However, except for emergency capital projects, if the General Assembly explicitly reduces in the budget bill an appropriation proposed for a major capital project as defined in § 2-103.1(a)(4) of this article, the appropriation may not be restored for the same purpose as originally proposed by the budget amendment procedure of § 7-209 of the State Finance and Procurement Article or otherwise unless the General Assembly, in striking or reducing the appropriation, expressly authorized its restoration.

(3) For each fiscal year, the Department shall use the funds in the Transportation Trust Fund for the purposes specified in subsection (c)(2)(ii) of this section, which may include construction and maintenance of:

- (i) Public bicycle areas as defined in § 21-101(o) of this article;
- (ii) Bicycle ways as defined in § 21-101(d) of this article; and
- (iii) Sidewalks as defined in § 21-101(w) of this article.

(4) Each year, before the General Assembly considers the proposed Maryland Transportation Plan and the Consolidated Transportation Program, the Department shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

- (i) The expenditures made toward the attainment of the bicycle and pedestrian transportation goals during the preceding fiscal year under Title 2, Subtitle 6 of this article; and
- (ii) The progress made toward attainment of the bicycle and pedestrian transportation goals identified for the fiscal year under Title 2, Subtitle 6 of this article.

(e) *Effect of section; legislative intent.* — (1) Except as otherwise provided in this subsection, this section is effective notwithstanding any other provision of law.

(2) Nothing in this section may adversely affect in any way the security of any of the following bonds while they are outstanding and unpaid:

- (i) State highway construction bonds, second issue;
- (ii) State highway construction bonds, third issue;
- (iii) County highway construction bonds; or
- (iv) County highway construction bonds, second issue.

(3) It is the intent of the General Assembly that, as long as any of the bonds listed in paragraph (2) of this subsection are outstanding and unpaid:

(i) The sinking fund requirements established for the payment of the principal of and interest on those bonds shall remain unchanged, as if this section had not been enacted; and

(ii) The taxes and revenues pledged to the payment of the principal of and interest on those bonds as they become due and payable may not be repealed, diminished, or applied to any other purpose until:

1. The bonds and the interest on them have become due and fully paid; or
2. Adequate and complete provision for payment of the principal and interest has been made.

(f) *Restriction on transfer or diversion to General Fund, special funds, defense or relief purposes; requirements.* — (1) Except as provided in paragraphs (3) and (6) of this subsection, no part of the Transportation Trust Fund may be transferred or diverted to the General Fund of the State unless approved by the General Assembly through legislation passed by a three-fifths majority vote of the full standing committee assigned the legislation in each of the two Houses of the General Assembly and enacted into law.

(2) Except as provided in paragraphs (3) and (6) of this subsection, no part of the Transportation Trust Fund may be transferred or diverted to a special fund of the State, unless approved by the General Assembly through legislation passed by a three-fifths majority vote of the full standing committee assigned the legislation in each of the two Houses of the General Assembly and enacted into law. No part of the Transportation Trust Fund may be transferred or diverted to a special fund of the State pursuant to the provisions of § 7-209(e)(2) of the State Finance and Procurement Article, unless the requirements of this paragraph have been satisfied.

(3) Funds in the Transportation Trust Fund may be used for defense or relief purposes only if:

(i) The State is invaded by land, sea, or air or a major catastrophe occurs; and

(ii) The Governor:

1. Proclaims a State of Emergency; and

2. Declares that the use of the funds for defense or relief purposes is necessary for the immediate preservation of the public health or safety.

(4) Before the enactment of legislation under paragraph (1) or (2) of this subsection or the issuance of an emergency declaration under paragraph (3) of this subsection to transfer or divert funds from the Transportation Trust Fund to the General Fund or a special fund, the Treasurer shall advise the Governor and the General Assembly of the potential impact of the transfer or diversion on the credit rating of bonds or other debt instruments issued by the Department.

(5) (i) Before the enactment of legislation under paragraph (1) or (2) of this subsection or the issuance of an emergency declaration under paragraph (3) of this subsection to transfer or divert funds from the Transportation Trust Fund to the General Fund or a special fund, a determination shall be made of the potential impact of the transfer or diversion on the additional bonds test set forth in the Secretary's resolution and the credit rating of bonds or other debt instruments issued by the Department.

(ii) A transfer or diversion may not occur if it is determined that the transfer or diversion would:

1. Cause the Department to fail the additional bonds test; or

2. Result in a downgrade of the Department's bonds.

(6) This subsection does not apply to a distribution of highway user revenues to counties, municipalities, and Baltimore City under § 8-403 of this article.

(g) *Restriction on bill or amendment affecting credit to or expenditure from Transportation Trust fund; required analysis.* — (1) This subsection applies only to a bill or an amendment that would:

(i) Reduce any tax or fee that otherwise would be credited to the Transportation Trust Fund; or

(ii) Increase transportation aid to local governments by using funds from the Transportation Trust Fund.

(2) When submitting a proposed bill or amendment for introduction in the General Assembly on behalf of the Administration, an executive department, or any other unit of State government, the Governor shall provide to the General Assembly, in accordance with § 2-1257 of the State Government Article, a detailed analysis of the effect the proposed bill or amendment will have on the Transportation Trust Fund and the funding of projects specified in the Consolidated Transportation Program, including an analysis of whether the reduction of available funds will result in the elimination of any project or the alteration of the scope, design, or scheduling of any project. (An. Code 1957, art. 94A, §§ 4, 11; 1977, ch. 13, § 2; ch. 972, § 1; 1978, ch. 417; 1982, ch. 238, § 1; ch. 281; 1983, chs. 62, 674; 1985, ch. 607; ch. 717, § 1; 1986, ch. 5, § 1; 1987, ch. 11, § 1; ch. 291, § 4; 1988, ch. 110, § 1; ch. 575; 1991, ch. 55, § 6; 1992, ch. 22, § 1; 1996, ch. 349, § 13; 1997, ch. 635, § 9; ch. 636, § 9; 2000, ch. 670, § 2; 2001, ch. 29, § 1; 2002, ch. 440, § 8; 2004, ch. 25; ch. 430, § 1; 2005, chs. 471, 472; 2013, ch. 429, § 3; 2015, ch. 489, § 1; 2018, chs. 351, 352, 700; 2019, ch. 16; ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Section 3, ch. 429, Acts 2013, effective June 1, 2013, deleted (d)(3) and (d)(4); redesignated accordingly; and rewrote (f).

Section 1, ch. 489, Acts 2015, effective June 1, 2015, enacted pursuant to Article II, § 17(c) of the Maryland Constitution without the Governor's signature, added (g).

Section 1, chs. 351 and 352, Acts 2018, effective June 1, 2018, made identical changes. Each reenacted (a), (b), (c)(2)(i), and (d)(1) without change.

Chapter 700, Acts 2018, effective July 1, 2018, reenacted (f)(2) without change.

Chapter 16, Acts 2019, effective June 1, 2019, enacted pursuant to art. II, § 17(b) of the Maryland Constitution without the Governor's signature, reenacted (a) without change; added the (b)(1) designation, in (b)(1) added "and paragraph (2) of this subsection," and added (b)(2).

Editor's note. — Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

Joint Resolution under subsection (c). — Joint Resolution 21 of the 1984 Session, signed May 15, 1984, provides that "no change be made in the distribution and allocation of revenues in the Revenue Sharing Account and Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund" and further provides that "any revenues from the gasoline

tax imposed pursuant to the average wholesale value of nonpremium unleaded motor fuel exceeding \$1.35 per gallon shall be distributed in the same manner as highway user revenues in the Gasoline and Motor Vehicle Revenue Account are distributed."

University of Baltimore Law Review. — For article, "State Constitutional Law for Maryland Lawyers: Judicial Relief for Violations of Rights," see 10 U. Balt. L. Rev. 102 (1980).

Waiver of sovereign immunity. — Taken together, this section and §§ 6-204 and 6-206 of this article constitute an express waiver of sovereign immunity and a commitment to provide funds for the payment of damages arising out of suits against the Maryland Port Administration claiming liability with respect to its ownership and operation of docks and wharves. *Maryland Port Admin. v. Steamship Am. Legend*, 453 F. Supp. 584 (D. Md. 1978).

Legal basis for transfer of funds. — There is legal basis for transferring funds from Transportation Trust Fund to State of Maryland Deposit Insurance Fund Corporation entirely through the statutory budget amendment procedure, to enable the Insurance Fund to reimburse savings and loan depositors. 71 Op. Att'y Gen. 3 (1986).

Grant for on-site road construction at proposed football stadium. — Transportation Trust Fund money may be used for a grant for on-site road construction and related infrastructure work at a proposed professional football stadium; a grant may also be made for

parking lot construction if that use is authorized in the budget bill. Trust Fund money may not be used for a grant for on-site infrastructure work needed for reasons other than road construction. 81 Op. Att'y Gen. 269 (Feb. 15, 1996).

Direct allocation of highway user revenues to special taxing district occur only after roads dedicated. — The General As-

sembly did not contemplate a direct allocation of highway user revenues to a special taxing district unless the roads in the district are dedicated or otherwise entrusted to a public body or government agency. 95 Op. Att'y Gen. 198 (Nov. 23, 2010).

Cited in *Maryland Port Admin. v. I.T.O. Corp.*, 40 Md. App. 697, 395 A.2d 145 (1978).

§ 3-217. Restriction on transferring funds in Transportation Trust Fund to General Fund or special fund; repayment.

(a) *In general.* — Any funds in the Transportation Trust Fund transferred or diverted from that Fund to the General Fund or a special fund shall be repaid within 5 years after the transfer or diversion as follows:

(1) At least 10 percent of a transfer or diversion in a fiscal year shall be repaid in the first fiscal year after the transfer or diversion;

(2) A cumulative total of at least 30 percent of a transfer or diversion in a fiscal year shall be repaid within 2 fiscal years after the transfer or diversion;

(3) A cumulative total of at least 55 percent of a transfer or diversion in a fiscal year shall be repaid within 3 fiscal years after the transfer or diversion;

(4) A cumulative total of at least 80 percent of a transfer or diversion in a fiscal year shall be repaid within 4 fiscal years after the transfer or diversion; and

(5) A cumulative total of 100 percent of a transfer or diversion in a fiscal year shall be repaid within 5 fiscal years after the transfer or diversion.

(b) *Exclusions.* — This section does not apply to a distribution of highway user revenues to counties, municipalities, and Baltimore City under § 8-403 of this article. (2011, ch. 397, § 1; 2013, ch. 429, § 3.)

Effect of amendments. — Section 3, ch. 429, Acts 2013, effective June 1, 2013, rewrote the section.

Editor's note. — Section 39, ch. 397, Acts 2011, provides in part that the act shall take effect June 1, 2011.

TITLE 7.

MASS TRANSIT.

Subtitle 2. Maryland Transit Administration.

§ 7-208. Jurisdiction of Administration over transit facilities.

(a) *Jurisdiction generally.* — Subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority, the Administration has jurisdiction:

(1) Consistent with the provisions of Division II of the State Finance and Procurement Article, for planning, developing, constructing, acquiring, financing, and operating the transit facilities authorized by this title; and

(2) Over the services performed by and the rentals, rates, fees, fares, and other charges imposed for the services performed by transit facilities owned or controlled by the Administration.

(b) *Report on farebox recovery ratios.* — The Administration shall submit, in accordance with § 2-1257 of the State Government Article, an annual report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year that includes:

(1) Separate farebox recovery ratios for the prior fiscal year for:

(i) Bus, light rail, and Metro subway services provided by the Administration in the Baltimore region;

(ii) Commuter bus service provided under contract to the Administration in the Baltimore region; and

(iii) Maryland Area Rail Commuter (MARC) service provided under contract to the Administration; and

(2) Comparisons of farebox recovery ratios for the Administration's mass transit services and other similar transit systems nationwide.

(b-1) *Setting fare prices and collecting operating revenues without reducing service level.* — Subject to § 7-506 of this title, the Administration:

(1) Subject to items (2), (3), (4), (5), and (6) of this subsection, shall set the fare prices and collect other operating revenues in accordance with this section;

(2) Beginning in fiscal year 2015, shall:

(i) On a biennial basis, increase base fare prices and the cost of multiuse passes to the nearest 10 cents for all transit services except those services listed in item (ii) of this item by the same percentage as the biennial increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2012, to December 31, 2013, and each subsequent 2-year period for which the amount is being calculated;

(ii) Every 5 years, increase one-way zone fare prices and the cost of multiuse passes to the nearest dollar for commuter rail and commuter bus service by:

1. At least the same percentage as the 5-year increase in the Consumer Price Index for all urban consumers, as determined from January 1, 2009, to December 31, 2013, and each subsequent 5-year period for which the amount is being calculated; and

2. Any additional amount the Administration determines is necessary after considering factors affecting commuting costs applicable to the jurisdictions in which the Administration provides commuter service, including:

A. Monthly parking fees;

B. The retail price per gallon of motor fuel;

C. The amount of any monthly federal commuting subsidy;

D. Fare prices for intercity rail service; and

E. Any other relevant commuting costs;

(3) May not reduce the level of services provided by the Administration for the purpose of achieving a specific farebox recovery requirement;

(4) May not increase fares for all transit services except those services listed in item (2)(ii) of this subsection by more than the amount required under item (2)(i) of this subsection;

(5) May not increase fares under item (2)(i) and (ii)1 of this subsection if there is a decline or no growth in the Consumer Price Index; and

(6) Shall include the amount of any increase in fares that would have occurred previously in the absence of rounding to the nearest 10 cents or nearest dollar when calculating fare increases for subsequent periods under item (2)(i) and (ii)1 of this subsection.

(b-2) *Increase in fare prices.* — An increase in the Administration's fare prices by the minimum amount required under subsection (b-1) of this section is not subject to the requirements of § 7-506 of this title.

(c) *Performance indicators; report.* — (1) For fiscal year 2009 and each fiscal year thereafter, the Administration shall implement performance indicators to track service efficiency for the Administration's mass transit services, including:

- (i) Operating expenses per revenue vehicle mile;
- (ii) Operating expenses per passenger trip; and
- (iii) Passenger trips per revenue vehicle mile.

(2) The Administration shall submit, in accordance with § 2-1257 of the State Government Article, an annual performance report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year on:

(i) The status of the performance indicators listed in paragraph (1) of this subsection for the prior fiscal year, including a discussion of the failure or success in meeting the goals established for the prior fiscal year by the Administration;

(ii) The status of managing-for-results goals of the Administration as they pertain to mass transit service in the Baltimore area;

(iii) Comparisons of performance indicators for the Administration's mass transit services and other similar systems nationwide; and

(iv) The Administration's goals for each of the measures in paragraph (1) of this subsection for the next fiscal year.

(d) *Management audit.* — (1) The Administration shall provide for an independent management audit of the operational costs and revenues of the Administration's mass transit services every 4 years.

(2) The audit shall provide data on fares, cost containment measures, comparisons with other similar mass transit systems, and other information necessary in evaluating the operations of the Administration's mass transit system.

(3) The findings from the audit shall be used as a benchmark for the annual performance reports.

(e) *Determinations not subject to judicial review.* — The determinations of the Secretary, Administration, or Maryland Transportation Authority as to the type of service performed or the rentals, rates, fees, fares, and other charges imposed are not subject to judicial review or to the processes of any court.

(f) *Public Service Commission without authority over transit facilities.* — Notwithstanding any other provision of this title or the Public Utilities Article,

the Public Service Commission does not have any jurisdiction over transit facilities owned or controlled by the Administration or over any contractor operating these facilities.

(g) *Administration without jurisdiction over private carriers.* — Except as provided in this title, the Administration does not have any jurisdiction over transportation in the District by private carriers. (An. Code 1957, art. 64B, § 29; 1977, ch. 13, § 2; 1980, ch. 775, § 21; 1982, ch. 238, § 1; 1986, ch. 396, § 1; ch. 397; 1988, ch. 105, § 2; 1989, ch. 5, § 1; 1996, ch. 655, § 1; 1998, ch. 8, § 12; 2000, chs. 210, 211; 2001, ch. 568, § 3; ch. 730; 2004, ch. 447; 2008, ch. 684; 2009, ch. 60, §§ 1, 5; 2010, ch. 52; 2011, ch. 397, § 1; 2013, ch. 429, § 3; 2014, ch. 45, § 5; 2017, chs. 16, 24; 2018, ch. 12, § 1; 2019, ch. 510, § 4; ch. 511, § 4.)

Effect of amendments. — Chapter 684, Acts 2008, effective July 1, 2008, deleted former (a)(2) and redesignated accordingly; and added (b) through (d) and redesignated accordingly.

Chapter 60, Acts 2009, enacted April 14, 2009, and effective from date of enactment, validated previously made technical corrections throughout the section.

Chapter 52, Acts 2010, effective October 1, 2010, substituted “Public Utilities Article” for “Public Utility Companies Article” in (f).

Section 1, ch. 397, Acts 2011, effective June 1, 2011, added (b)(2)(iv) and made related changes; and added (b-1).

Section 3, ch. 429, Acts 2013, effective June 1, 2013, added “Subject to paragraphs (2), (3), (4), (5), and (6) of this subsection” in (b-1)(1); added (b-1)(2), (b-1)(4) through (b-1)(6), and (b-2) and redesignated accordingly; and made related changes.

Chapters 16 and 24, Acts 2017, effective July 1, 2017, enacted pursuant to Article II, § 17(b) of the Maryland Constitution without the Governor’s signature, made identical changes. Each deleted (b)(1), (b)(2)(ii) and (b)(2)(iv) and the (b)(2) designation; redesignated (b)(2)(i) as (b)(1) and redesignated accordingly; in (b-1)(1) substituted “in accordance with” for “in an amount sufficient to achieve the farebox recovery requirement established in subsection (b) of”; in (b-1)(3) substituted “a specific farebox” for “the farebox”; and made related changes.

Section 1, ch. 12, Acts 2018, approved April 5, 2018, and effective from date of enactment, substituted “items” or variant for “paragraphs” or “subparagraph” or variant, throughout (b-1).

Editor’s note. — Section 5, ch. 60, Acts 2009, approved April 14, 2009, and effective from date of enactment, provides that “the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General

Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 5, ch. 60, Acts 2009, “Metro subway services” was substituted for “Metro Subway services” in (b)(1)(i).

Section 5, chs. 210 and 211, Acts 2000, as amended by ch. 447, Acts 2004, and by ch. 684, Acts 2008, provides that “this Act shall take effect July 1, 2000.” Pursuant to ch. 684, Acts 2008, the former abrogation has been deleted.

As to inclusion of amounts sufficient to compensate the Transportation Trust Fund for reduction in revenues resulting from the credit allowed against the motor vehicle excise tax and continuation of distribution formerly required under § 2-1302.1(b) of the Tax - General Article to be made for each fiscal year until any Consolidated Transportation Bonds that were issued by the Department of Transportation before July 1, 2001, no longer remain outstanding and unpaid, except in any fiscal year for which funds are appropriated by the General Assembly to pay the principal of and interest on the bonds, see § 4, ch. 568, Acts 2001.

Section 5, ch. 568, Acts 2001, provides that “it is the intent of the General Assembly that the Department keep all other transit fares at their current levels through fiscal 2006.”

The amendments by ch. 684, Acts 2008, have been implemented pursuant to directions by the Department of Legislative Services.

Section 1, chs. 510 and 511, Acts 2019, redesignated § 2-1246 of the State Government Article, referenced in this section, to be § 2-1257 of the State Government Article. Pursuant to § 4, chs. 510 and 511, Acts 2019, the reference has been updated.

Depreciation and interest as “operating costs.” — Former subsection (a)(2)(i) did not require the Maryland Transportation Authority to include depreciation and interest as “operating costs” for purposes of calculating the 50% fare box recovery ratio. 69 Op. Att’y Gen. 278 (1984).

Cited in Office & Professional Employees Int'l Union, Local 2 v. Maryland Transit Admin., 295 Md. 88, 453 A.2d 1191 (1982); Brady v. Ralph Parsons Co., 308 Md. 486, 520 A.2d 717 (1987), aff'd, 327 A.2d 275, 609 A.2d 297 (1992).

Subtitle 5. Operation of Transit Facilities.

§ 7-506. Hearings.

(a) *Required hearings.* — (1) Except as provided in subsection (b) of this section or § 7-208(b-2) of this title, until a public hearing is held on the matter, the Administration may not:

(i) Fix or revise any fare or rate charged the general public;

(ii) Establish or abandon any bus or rail route listed on a published timetable;

(iii) Change a bus or rail route alignment listed on a published timetable, unless the change is needed because of temporary construction or changes in the road network;

(iv) Reduce the frequency, number of days, or days of service for a commuter bus or commuter rail route without substituting a comparable level of service, unless the reduction is temporary or a result of:

1. A natural disaster;
2. Weather or other emergency conditions;
3. Schedule adjustments required by a third party that operates service on the same right-of-way; or
4. Other circumstances beyond the control of the Administration; or

(v) Establish or abandon a rail transit station.

(2) The Administration may only implement a change described in paragraph (1) of this subsection during the time period that begins 6 weeks after the public hearing and ends 6 months after the public hearing.

(3) (i) If the Administration gives inadequate or defective notice of a public hearing on a change described in paragraph (1) of this subsection, the Administration may not implement the change unless the Administration makes a reasonable effort to correct the inadequacy or defect and a legally sufficient public hearing is held.

(ii) For the purposes of this paragraph, notice shall be considered inadequate or defective if:

1. The Administration does not comply with the newspaper publication requirements under subsection (d) of this section;

2. The Administration does not comply with the notice requirements for affected jurisdictions prescribed under subsection (d) of this section;

3. At least 30% of the Administration's facilities are not posted as required under subsection (d) of this section; or

4. The notice contains erroneous information.

(4) A public hearing required under paragraph (1) of this subsection shall be at a place and time that is reasonably accessible and convenient to the patrons of the service to be affected.

(5) The Administration shall accept written comments for 30 days after a hearing held on a change described in paragraph (1) of this subsection.

(b) *Hearing not required.* — The Administration may add service on a new alignment branching off of an existing route without holding a public hearing, if the addition of the new alignment does not alter the existing route.

(c) *Requested hearings.* — (1) The following persons may request the Administration to hold a hearing on any rentals, rates, fares, fees, or other charges of the Administration or any service rendered by the transit facilities owned or controlled by the Administration:

- (i) Any person served by or using the transit facilities;
 - (ii) The People’s Counsel, as a representative of the general public; and
 - (iii) Any private carrier operating in the District.
- (2) The request for a hearing shall:
- (i) Be in writing;
 - (ii) State the matter sought to be heard; and
 - (iii) Set forth clearly the grounds for the request.

(3) As soon as possible after the Administration receives a request for a hearing, a designated employee of the Administration shall confer on the matter with the person requesting the hearing. After the conference, if the Administration considers the matter meritorious and of general significance, it may call a hearing.

(d) *Notice of hearing.* — (1) The Administration shall give at least a 30-day notice before a hearing.

(2) The notice shall be:

- (i) Published once a week for 2 successive weeks in two or more newspapers of daily circulation throughout the District;
- (ii) Posted in all of the Administration’s offices, stations, and terminals and all of the vehicles and rolling stock used in revenue service by the mode of transportation that will be affected by the proposed action described in subsection (a) of this section; and
- (iii) Provided to the governing body of each county or municipal corporation affected by a change in transit service or fare or rate described under subsection (a)(1) of this section.

(3) The Administration may establish a process for providing notice to local governments under paragraph (2)(iii) of this subsection.

(4) The 30-day period begins when the notice first appears in the newspaper.

(e) *Reports to be filed and available for public inspection.* — Before calling a hearing under this section, the Administration shall file at its main office and make available for public inspection:

- (1) Its report on the subject matter of the hearing; and
- (2) If the hearing was requested under subsection (c) of this section, the written request for the hearing and all documents filed in support of it. (An. Code 1957, art. 64B, § 32; 1977, ch. 13, § 2; 2007, ch. 630; 2009, chs. 271, 272, 507; 2013, ch. 429, § 3.)

Effect of amendments. — Chapter 630, Acts 2007, effective July 1, 2007, added (a)(2), made related changes and rewrote (a)(1); added (b) and redesignated accordingly; in (c)(1)(ii)

deleted “to the Public Service Commission” following “The People’s Counsel”; in (d)(1) substituted “a 30-day” for “30 days”; and rewrote (d)(2)(ii) and (f).

Chapters 271 and 272, Acts 2009, effective October 1, 2009, made identical changes. Each added (a)(1)(iv), (a)(3)(ii)2, (a)(3)(ii)4, (d)(2)(iii), (d)(3), and redesignated accordingly; in (a)(3)(i) and the introductory language of (a)(3)(ii) “added “or defective”; in (a)(3)(i) added “the Administration makes a reasonable effort to correct the inadequacy or defect and”; and made related changes.

Chapter 507, Acts 2009, effective October 1, 2009, reenacted (a)(1) without change; deleted former (e)(2) and (f) and redesignated accordingly; and made related changes.

Section 3, ch. 429, Acts 2013, effective June 1, 2013, added “or § 7-208(b-2) of this title” in the introductory language of (a)(1).

TITLE 8.

HIGHWAYS.

Subtitle 6. Construction and Maintenance.

Part II. Long Range Highway Programs.

§ 8-613.3. Appropriations.

The Governor shall include in the annual operating or capital budget an appropriation to the Administration to be used to comply with the Watershed Implementation Plan in the amount of:

- (1) \$45,000,000 for fiscal year 2015;
- (2) \$65,000,000 for fiscal year 2016;
- (3) \$85,000,000 for fiscal year 2017;
- (4) \$100,000,000 for fiscal year 2018; and
- (5) \$100,000,000 for fiscal year 2019. (2013, ch. 429, § 3.)

Editor’s note. — Section 13, ch. 429, Acts 2013, provides that the act shall take effect June 1, 2013.

TITLE 11.

VEHICLE LAWS — DEFINITIONS; GENERAL PROVISIONS.

Subtitle 1. Definitions.

§ 11-109.1. Commercial motor vehicle.

Repealed by Acts 2005, ch. 167, § 1, effective September 30, 2005.

§ 11-118. Emergency vehicle.

“Emergency vehicle” means any of the following vehicles that are designated by the Administration as entitled to the exemptions and privileges set forth in the Maryland Vehicle Law for emergency vehicles:

- (1) Vehicles of federal, State, or local law enforcement agencies;
- (2) Vehicles of volunteer fire companies, rescue squads, fire departments, the Maryland Institute for Emergency Medical Services Systems, and the Maryland Fire and Rescue Institute;
- (3) State vehicles used in response to oil or hazardous materials spills;

(4) State vehicles designated for emergency use by the Commissioner of Correction;

(5) Ambulances;

(6) Organ delivery vehicles; and

(7) Special vehicles funded or provided by federal, State, or local government and used for emergency or rescue purposes in this State. (An. Code 1957, art. 66½, § 1-103; 1977, ch. 14, § 2; ch. 222; 1983, chs. 309, 361; 1989, ch. 291, § 2; ch. 343; 1993, ch. 543; 2004, ch. 368; 2013, ch. 66; 2018, chs. 186, 187.)

Effect of amendments. — Chapter 66, Acts 2013, effective October 1, 2013, reenacted the section without change.

Chapters 186 and 187, Acts 2018, effective July 1, 2018, made identical changes. Each added (6), redesignated accordingly, and made related changes.

Legislative intent. — The General Assembly did not intend to create a new requirement that a vehicle must achieve privileges in order to become an emergency vehicle; rather, a vehicle is entitled to achieve privileges because it is an emergency vehicle. *Taylor v. Mayor of Baltimore*, 314 Md. 125, 549 A.2d 749 (1988).

Police car driven without siren. — A police car driven without the use of its siren is

an emergency vehicle. *Taylor v. Mayor of Baltimore*, 314 Md. 125, 549 A.2d 749 (1988).

Quoted in *Boyer v. State*, 80 Md. App. 101, 560 A.2d 48 (1989), aff'd in part, vacated in part, 323 Md. 558, 594 A.2d 121 (1991); *Boyer v. State*, 323 Md. 558, 594 A.2d 121 (1991); *Schreyer v. Chaplain*, 416 Md. 94, 5 A.3d 1054 (2010).

Cited in *Khawaja v. Mayor of Rockville*, 89 Md. App. 314, 598 A.2d 489 (1991); *Johnson v. Maryland State Police*, 331 Md. 285, 628 A.2d 162 (1993); *State v. Cates*, 417 Md. 678, 12 A.3d 116 (2011).

§ 11-119. Explosive.

“Explosive” means any chemical compound or mechanical mixture that is commonly used or intended to produce an explosion and that contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases and resultant gaseous pressures capable of injuring people or property. (An. Code 1957, art. 66½, § 1-125; 1977, ch. 14, § 2.)

§ 11-123. Flammable liquid.

“Flammable liquid” means any liquid that has a flash point of 100 degrees or less Fahrenheit, as determined by a Tagliabue or equivalent closed cup test device. (An. Code 1957, art. 66½, § 1-129; 1977, ch. 14, § 2; 1999, ch. 30.)

TITLE 12.

VEHICLE LAWS — MOTOR VEHICLE ADMINISTRATION.

Subtitle 1. Administration in General.

§ 12-113. Records — Copies; certified copies; use in judicial proceedings.

(a) *Copies; certification of records.* — (1) Subject to § 12-111 of this subtitle and § 4-320 of the General Provisions Article, the Administrator or any other

officer or employee of the Administration designated by the Administrator may furnish on request a copy or a certified copy of any record of the Administration.

(2) The Administration may establish and charge a fee for each record it furnishes or certifies. The revenue from the fee shall not be subject to the distribution provisions of Title 8, Subtitle 4 of this article.

(3) No charge shall be made to a police agency, fire department, or court in this or any other state or a police agency or court of the United States government.

(4) The fee established and charged under this section may exceed the amounts authorized under § 4-206 of the General Provisions Article.

(b) *Admissibility of certified copies generally and computer printouts of driving records; subpoena.* — (1) A certified copy of any record of the Administration or comparable agency of any state is admissible in any judicial proceeding in the same manner as the original of the record.

(2) (i) A computer printout of any driving record or vehicle registration record of the Administration that has been obtained by a law enforcement unit, as defined in § 10-101(f) of the Criminal Procedure Article, or court through a computer terminal tied into the Administration is admissible in any judicial proceeding in the same manner as the original of the record.

(ii) The computer printout of the driving record or vehicle registration record shall contain:

1. The date the record was printed; and

2. A jurisdiction code identifying the site where the record was printed.

(3) If a subpoena is issued to the Administrator or any other official or employee of the Administration for the production in any judicial proceeding of the original or a copy of any book, paper, entry, record, proceeding, or other document of the Administration:

(i) The Administrator or other official or employee of the Administration need not appear personally; and

(ii) Submission of a certified copy or photostat of the requested document is full compliance with the subpoena.

(4) On motion and for good cause shown, the court may compel the attendance of an authorized representative of the Administration to answer the subpoena for the production of documents. (An. Code 1957, art. 66½, § 2-311.1; 1977, ch. 14, § 2; ch. 307; 1981, ch. 486; 1987, ch. 291, § 6; 1991, 1st Sp. Sess., ch. 2; 1992, ch. 68, § 2; ch. 338; 1992, 1st Sp. Sess., ch. 3, § 1; 1994, chs. 376, 415; 1997, ch. 14, § 20; chs. 338, 339; 2007, ch. 252; 2012, ch. 66, § 6; 2014, ch. 104, § 2.)

Effect of amendments. — Section 2, ch. 104, Acts 2014, effective October 1, 2014, substituted “§ 4-320 of the General Provisions Article” for “§ 10-616(p) of the State Government Article” in (a)(1), and in (a)(4) substituted “§ 4-206 of the General Provisions Article” for “§ 10-621 of the State Government Article.”

Editor’s note. — Pursuant to § 6, ch. 66, Acts 2012, a comma was deleted following “of this article” in (a)(2).

Field agent delivering subpoenaed records deemed official. — Field agent who delivers subpoenaed records was official of the Administration, under (b) to whom the sub-

poena duces tecum was issued. He did not therefore have to establish his own familiarity with the registration records or a chain of custody since there is no requirement that the subpoenaed official or employee appear personally. A copy or photostat duly certified is "full compliance." *McCargo v. State*, 26 Md. App. 290, 338 A.2d 76 (1975).

Admissibility to show prior motor vehicle convictions. — A certified copy of a person's driving record from the Motor Vehicle Administration is admissible to show prior motor vehicle convictions. *Kursch v. State*, 55 Md. App. 103, 460 A.2d 639 (1983).

TITLE 13.

VEHICLE LAWS — CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES.

Subtitle 8. Titling Fees and Taxes.

Part II. Excise Tax.

§ 13-810. Exemptions.

(a) *Exempt vehicles generally.* — On issuance in this State of an original or subsequent certificate of title for a vehicle, the vehicle is exempt from the excise tax imposed by this part, if it is:

- (1) A mobile home over 35 feet long;
- (2) A vehicle owned by the United States and used in the investigation of any violation or suspected violation of any law of the United States;
- (3) A vehicle owned or leased by this State or any political subdivision of this State;
- (4) A fire engine or other fire department emergency apparatus, including any vehicle operated by or in connection with any fire department;
- (5) An ambulance, rescue, or other vehicle owned and operated for the benefit of the public by a nonprofit rescue squad;
- (6) A vehicle owned and operated by the Civil Air Patrol;
- (7) A vehicle owned and held for the use of the public by a unit of a national veterans' organization;
- (8) A vehicle owned and operated by a Maryland chapter of the American Red Cross;
- (9) A vehicle acquired by an insurance company as a result of a comprehensive or collision claim;
- (10) A vehicle registered in a jurisdiction the laws of which do not require titling and acquired for resale by a licensed dealer;
- (11) A vehicle that is involuntarily transferred to a licensed dealer and for which a certificate of title is not available;
- (12) A school bus owned by a religious organization or a private school which is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code;
- (13) A privately owned bus used only for operating the transportation system of any political subdivision in this State, if the bus is used for the transportation of the public on regular schedules and between fixed termini;
- (14) A vehicle otherwise exempt from the excise tax by any other applicable law;

(15) A vehicle which is used regularly for the transportation of individuals with disabilities and owned by a nonprofit organization providing direct care services to individuals with disabilities which is licensed by the Maryland Department of Health and is wholly or partially funded by the State;

(16) A mobile hearing and vision screening vehicle owned and operated for the benefit of the public by a nonprofit civic organization;

(17) Registered under § 13-923 of this title;

(18) Registered under § 13-933 of this title;

(19) A salvage vehicle acquired by a licensed dealer that has been restored by the licensed dealer and that has been inspected under § 13-507(a)(2)(ii) of this title;

(20) A vehicle acquired for resale by a licensed dealer if the dealer reassignment sections contained on the certificate of title are exhausted;

(21) A Class M motor home or Class G travel trailer that is transferred or retitled in the dealership's name under § 15-305(d)(2) of this article;

(22) A special purpose vehicle owned by a coal company if the vehicle is used:

(i) For transportation of workers, coal, or equipment used in the coal production process; and

(ii) Exclusively in or on coal mining property;

(23) A vehicle which is used exclusively in the transportation of disabled or elderly persons, owned by a nonprofit organization, and in which the Maryland Transit Administration retains a security interest;

(24) A vehicle acquired by a religious, charitable, or volunteer organization exempt from taxation under § 501(c) of the Internal Revenue Code, the Department of Human Services, or a local department of social services for the purpose of transferring the vehicle to a Family Investment Program recipient or an individual certified by the Department of Human Services or a local department of social services as eligible for the transfer;

(25) A rental vehicle; or

(26) A vehicle that is transferred to a trust or from a trust to one or more beneficiaries in accordance with § 14.5-1001 of the Estates and Trusts Article.

(b) *Applicability of subsection (c)(1) and (3).* — The provisions of subsection (c)(1) and (3) of this section do not apply to the transfer of a vehicle if:

(1) The vehicle that is transferred was previously exempt under subsection (a)(17) or (18) of this section; and

(2) The transferee of the vehicle titles and registers the vehicle under any other section of this title.

(c) *Vehicles exempt on transfer.* — On transfer of a vehicle titled in this State and issuance of a subsequent certificate of title, the vehicle is exempt from the excise tax imposed by this part, if it is:

(1) A vehicle transferred to:

(i) A spouse, son, daughter, grandchild, parent, sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, or daughter-in-law of the transferor, and no money or other valuable consideration is involved in the transfer; or

(ii) A niece or nephew of the transferor if:

1. The transferor is at least 65 years of age at the time of the transfer; and

2. No money or other valuable consideration is involved in the transfer;

(2) A vehicle repossessed under a security agreement, unless the sale of the vehicle is required under the agreement;

(3) A vehicle transferred from an individual to a partnership, limited liability company, or corporation or from a partnership, limited liability company, or corporation to a subpartnership, subsidiary limited liability company, or subsidiary corporation, if the individual, partnership, limited liability company, or corporation is a partner, member, or principal stockholder of the newly formed partnership, subpartnership, limited liability company, subsidiary limited liability company, corporation, or subsidiary corporation, as the case may be;

(4) A vehicle transferred to a legal heir, legatee, or distributee;

(5) A vehicle involuntarily transferred as a result of divorce or separation proceedings;

(6) A vehicle that is jointly owned and transferred to the name of one of the owners, if the transferee can establish to the satisfaction of the Administration that the transferor did not pay any part of the original purchase price of the vehicle or any applicable taxes or fees for the vehicle;

(7) A vehicle transferred by a corporation to its stockholder or stockholders or by a limited liability company to its member or members as a liquidating distribution of tangible personal property where the vehicle or vehicles transferred are not a principal or substantial asset of the corporation or limited liability company as determined by the Administration;

(8) A vehicle transferred as a result of a reorganization within the meaning of § 368(a) of the Internal Revenue Code or a vehicle transferred as a result of a statutory merger or consolidation of a corporation and a limited liability company if no gain or loss is recognized as a result of the transaction under § 332 and § 721 of the Internal Revenue Code;

(9) A vehicle transferred to a Family Investment Program recipient or an individual certified by the Department of Human Services or a local department of social services as eligible for transfer of the vehicle that was exempted from the excise tax imposed by this part under subsection (a)(24) of this section;

(10) A vehicle transferred into a written inter vivos trust in which the transferor is the primary beneficiary; or

(11) A vehicle transferred to a lessee who exercises an option under a vehicle leasing agreement for an initial term of more than 180 consecutive days to purchase the leased vehicle at the end of the lease.

(d) *Reciprocal exemptions for law enforcement vehicles.* — The Administration may exempt from the excise tax imposed by this part any vehicle of a law enforcement agency of the United States or of any other state, if the United States or other state provides a reciprocal exemption for law enforcement vehicles of this State.

(e) *Registration of vehicles exempt under subsection (a)(17) or (18).* — If the owner of a vehicle that is exempt under subsection (a)(17) or (18) of this section

from the vehicle excise tax subsequently registers the vehicle under any other section of this title, the owner shall pay the excise tax based on the fair market value of the vehicle at the time the exemption was initially granted. (An. Code 1957, art. 66½, § 3-831; 1977, ch. 14, § 2; 1978, chs. 855, 864, 950, 969; 1980, ch. 542; 1982, ch. 821; 1984, ch. 255; 1985, ch. 10, § 3; ch. 306, §§ 1, 2; 1987, ch. 44; 1988, ch. 110, § 1; ch. 245; 1989, ch. 5, § 1; 1990, ch. 455; 1991, ch. 145; 1993, ch. 5, § 1; chs. 353, 415; 1994, ch. 3, § 1; 1996, ch. 304, § 1; 1997, ch. 603; 1998, ch. 21, § 9; ch. 53, § 1; ch. 637, §§ 2, 3; ch. 706; 1999, ch. 28; 2000, chs. 271, 349, 388, 535; 2001, chs. 255, 730; 2002, ch. 19, § 4; 2017, ch. 205, § 7; ch. 214, § 7; chs. 344, 663.)

Effect of amendments. — Chapter 344, Acts 2017, effective October 1, 2017, added “or leased” in (a)(3).

Chapter 663, Acts 2017, effective July 1, 2017, added (a)(26) and made a related change.

Editor’s note. — Section 2, ch. 304, Acts 1996, as amended by § 1, ch. 535, Acts 2000, effective Oct. 1, 2000, provides that “this Act shall take effect October 1, 1996 and shall be applicable to all taxable years beginning after December 31, 1997.” The amendment of § 2, ch. 304, Acts 1996, by § 1, ch. 535, Acts 2000, deleted a provision abrogating ch. 304, Acts 1996, effective December 31, 2000.

Section 3, ch. 706, Acts 1998, provides that “this Act shall take effect July 1, 1999; provided that the sales and use tax rate for short-term rentals of passenger cars and multipurpose passenger vehicles provided under this Act shall be applicable to all charges for rental agreements entered into on or after July 1, 1999; provided further that the excise tax exemption for rental vehicles provided under this Act shall be applicable to all rental vehicles titled on or after July 1, 1999; and provided further that sales and use tax credits resulting from rental vehicles titled before July 1, 1999 may be used in the manner authorized under § 11-106 of the Tax - General Article as it existed prior to its repeal under § 1 of this Act.”

Section 2, ch. 271, Acts 2000, provides that “this Act shall take effect July 1, 2000 and shall be applicable to any vehicle transferred on or after July 1, 2000.”

Section 2, ch. 349, Acts 2000, provides that “notwithstanding the provisions of § 1 of this Act, the exemption from the motor vehicle excise tax under § 13-810(c)(10) of the Transportation Article as enacted under § 1 of this Act does not apply until any Consolidated Transportation Bonds that were issued by the Department of Transportation before July 1, 2000 no longer remain outstanding and unpaid; provided, however, that in any fiscal year for which funds are appropriated by the General Assembly to pay the principal of and interest on the Department of Transportation’s Consolidated Transportation Bonds due and payable in that

fiscal year, the Motor Vehicle Administration may not collect the motor vehicle excise tax otherwise imposed on a vehicle described in § 13-810(c)(10) of the Transportation Article as enacted under § 1 of this Act.”

Section 3, ch. 349, Acts 2000, provides that “this Act shall take effect July 1, 2001 and shall be applicable to any vehicle transferred on or after July 1, 2001.”

Section 2, ch. 730, Acts 2001, provides that “the Maryland Department of Transportation shall make changes to vehicles, signs, and all other relevant materials necessary as a result of the name change enacted by this Act within existing resources only and without additional expenditures from the Transportation Trust Fund.”

Section 7, ch. 205, Acts 2017, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following the section affected.” Pursuant to § 7, ch. 205, Acts 2017, “Department of Human Services” was substituted for “Department of Human Resources” twice in (a)(24), and in (c)(9).

Section 7, ch. 214, Acts 2017, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor’s note following the section affected.” Pursuant to § 7, ch. 214, Acts 2017, “Maryland Department of Health” was substituted for “Department of Health and Mental Hygiene” in (a)(15).

Chapters 344 and 633, Acts 2017, amended (a). Neither chapter referred to the other, and effect has been given to both, as they amended different portions of (a).

Legislative intent. — The General Assembly intended all transfers of motor vehicles to be subject to the imposition of the excise tax unless the transfer falls within one of the

specific statutory exclusions from payment of the excise tax in this section or other applicable section of the Code. 61 Op. Att’y Gen. 851 (1976).

Subtitle 9. Registration Classifications and Fees.

Part I. General Provisions.

§ 13-903. Exemptions.

(a) *Vehicles exempt from registration fees.* — The following vehicles are exempt from the registration fees specified in this subtitle:

(1) A vehicle that is owned and operated by the United States, this State, or any political subdivision of this State;

(2) A vehicle that is owned by a volunteer fire company incorporated in this State or by a rescue squad and that is used for fire fighting or ambulance purposes;

(3) A canteen wagon of a recognized fire buff organization, as certified by the International Fire Buffs Association;

(4) A vehicle owned and operated by the Civil Air Patrol;

(5) A vehicle owned and operated by a unit of a national veterans’ organization;

(6) A vehicle owned and operated by a Maryland chapter of the American Red Cross;

(7) A motor vehicle and trailer known as the “40-8 box car” that is owned and operated only for social or charitable purposes by any voiture of the Forty and Eight of the American Legion, Department of Maryland;

(8) A vehicle owned by, or leased to, and personally used by a veteran who:

(i) As designated or classified by the Veterans’ Administration, has lost the use of a hand, arm, or leg, or is totally disabled; or

(ii) Has a permanent impairment of both eyes so that:

1. The central visual acuity is 20/200 or less in the better eye, with corrective glasses; or

2. There is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye;

(9) A vehicle owned and personally used by an individual who is the surviving spouse of a deceased disabled veteran, as defined under § 7-208 of the Tax - Property Article; and

(10) A Type I or Type II school vehicle owned and operated by a religious organization.

(b) *Reciprocal exemptions for law enforcement vehicles.* — The Administration may exempt from the registration fees specified in this subtitle any vehicle of a law enforcement agency of the United States or of any other state, if the United States or other state provides a reciprocal exemption for law enforcement vehicles of this State.

(c) *Special identification markers.* — (1) Each registered vehicle that is exempt from registration fees under subsection (a) of this section shall display a special identification marker approved by the Administrator.

(2) The special identification marker for a motor vehicle and trailer exempt under subsection (a)(7) of this section shall bear the number of the organization and the number of the local voiture, reading “40-8-(local number)”.

(3) The special identification marker for a vehicle exempt under subsection (a)(8)(i) of this section shall indicate that the Veterans’ Administration has designated or classified the veteran as having lost the use of a hand, arm, or leg or as being totally disabled.

(d) *Special provisions for disabled veterans.* — A disabled veteran whose vehicle is eligible for exemption under subsection (a)(8) of this section may, if eligible, receive the special registration number and special registration plates provided under § 13-616, § 13-617, § 13-618, § 13-619, § 13-619.1, or § 13-619.2 of this title without payment of the registration fees specified in this subtitle. (An. Code 1957, art. 66½, § 3-829; 1977, ch. 14, § 2; 1978, ch. 472; 1985, ch. 306, §§ 1, 2; 1986, ch. 5, § 1; 1997, chs. 392, 550; 1999, ch. 342; 2000, ch. 251; 2018, chs. 157, 158, 704.)

Effect of amendments. — Chapters 157 and 158, Acts 2018, effective October 1, 2018, made identical changes. Each deleted “at least 65 years old and is” after “who is” in (a)(9).

Chapter 704, Acts 2018, effective October 1, 2018, added “by, or leased to” in (a)(8).

Editor’s note. — Section 2, ch. 251, Acts 2000, provides that “it is the intent of the General Assembly that the Motor Vehicle Administration shall work with the Maryland Agricultural Education Foundation, Inc., on the development of a special registration plate described under § 1 of this Act and make the

plate available to the public at the earliest date practicable, but not later than July 1, 2001.”

Section 3, ch. 251, Acts 2000, as amended by § 1, ch. 398, Acts 2003, by § 3, chs. 135, 136, Acts 2007, effective October 1, 2007, and by ch. 647, Acts 2012, effective October 1, 2012, provides that “this Act shall take effect July 1, 2000.” Chapter 647, Acts 2012, deleted the prior abrogation.

Chapters 1587, 158, and 704, Acts 2018, affected (a). None of the chapters referred to the others, and effect has been given to all, as they amended different portions of (a).

Part II. Classified Vehicles.

§ 13-914. Funeral motor vehicles and ambulances: Class C (funeral and ambulance) vehicles.

(a) *Classification.* — When registered with the Administration, every motor vehicle operated as an ambulance, a mortician flower coach or service wagon, or a funeral limousine or coach is a Class C (funeral and ambulance) vehicle.

(b) *Annual fee.* — For each Class C (funeral and ambulance) vehicle, the annual registration fee is \$100.00. (An. Code 1957, art. 66½, § 3-804; 1977, ch. 14, § 2; 1987, ch. 291, § 6; 2004, ch. 9.)

Part IV. Miscellaneous Fees.

§ 13-954. Surcharge for motor vehicle registration.

(a) *“Motor vehicle” defined.* — In this section, “motor vehicle” means a:

- (1) Class A (passenger) vehicle;
- (2) Class B (for hire) vehicle;
- (3) Class C (funeral and ambulance) vehicle;
- (4) Class D (motorcycle) vehicle;

- (5) Class E (truck) vehicle;
- (6) Class F (tractor) vehicle;
- (7) Class H (school) vehicle;
- (8) Class J (vanpool) vehicle;
- (9) Class M (multipurpose) vehicle;
- (10) Class P (passenger bus) vehicle;
- (11) Class Q (limousine) vehicle;
- (12) Class R (low speed) vehicle; or
- (13) Vehicle within any other class designated by the Administrator.

(b) *Imposition.* — (1) In addition to the registration fee otherwise required by this title, the owner of any motor vehicle registered under this title shall pay a surcharge of \$17.00 per year for each motor vehicle registered.

(2) \$2.50 of the surcharge collected under paragraph (1) of this subsection shall be paid into the Maryland Trauma Physician Services Fund established under § 19-130 of the Health - General Article. (1992, ch. 269, § 28; 1992, 1st Sp. Sess., ch. 3, § 1; 1997, ch. 597; 2001, ch. 33; 2003, ch. 385; 2005, ch. 366; 2013, ch. 429, § 3.)

Effect of amendments. — Section 3, ch. 429, Acts 2013, effective June 1, 2013, substituted “\$17.00” for “\$13.50” in (b)(1).

Editor’s note. — As to inclusion of notice of increased surcharges in registration renewal notices, see § 7, ch. 385, Acts 2003.

§ 13-955. Maryland Emergency Medical System Operations Fund.

(a) *“Fund” defined.* — In this section, “Fund” means the Maryland Emergency Medical System Operations Fund.

(b) *Establishment; management and nature.* — (1) There is a Maryland Emergency Medical System Operations Fund.

(2) The Comptroller shall administer the Fund, including accounting for all transactions and performing year-end reconciliation.

(3) The Fund is a continuing, nonlapsing fund which is not subject to § 7-302 of the State Finance and Procurement Article.

(4) Interest and earnings on the Fund shall be separately accounted for and credited to the Fund, and are not subject to § 6-226(a) of the State Finance and Procurement Article.

(c) *Composition.* — The Fund consists of:

(1) Registration surcharges collected under § 13-954 of this subtitle;

(2) All funds, including charges for accident scene transports and interhospital transfers of patients, generated by an entity specified in subsection (e) of this section that is a unit of State government; and

(3) Revenues distributed to the Fund from the surcharges collected under § 7-301(f) of the Courts Article.

(d) *Expenditures.* — Expenditures from the Fund shall be made pursuant to an appropriation approved by the General Assembly in the annual State budget or by the budget amendment procedure provided under § 7-209 of the State Finance and Procurement Article, provided that any budget amendment shall be submitted to and approved by the Legislative Policy Committee prior to the expenditure or obligation of funds.

(e) *Uses.* — The money in the Fund shall be used solely for:

(1) Medically oriented functions of the Department of State Police, Special Operations Bureau, Aviation Division;

(2) The Maryland Institute for Emergency Medical Services Systems;

(3) The R Adams Cowley Shock Trauma Center at the University of Maryland Medical System;

(4) The Maryland Fire and Rescue Institute;

(5) The provision of grants under the Senator William H. Amoss Fire, Rescue, and Ambulance Fund in accordance with the provisions of Title 8, Subtitle 1 of the Public Safety Article; and

(6) The Volunteer Company Assistance Fund in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article. (1992, ch. 269, § 28; 1992, 1st Sp. Sess., ch. 3, § 1; 1994, ch. 165, § 3; ch. 166, § 3; chs. 416, 420; 1995, ch. 3, § 2; ch. 100; 1996, ch. 600; 2000, ch. 240, § 2; 2001, ch. 33; 2002, ch. 19; 2003, ch. 17; 2004, ch. 430, § 1; 2011, ch. 397, § 1; 2017, ch. 23, § 1.)

Effect of amendments. — Section 1, ch. 397, Acts 2011, effective July 1, 2011, added (c)(3) and made related changes.

Section 1, ch. 23, Acts 2017, effective June 1, 2017, enacted pursuant to Art. II, § 17(b) of the Maryland Constitution without the Governor's signature, added (b)(2) and redesignated accordingly.

Use of Fund. — The Department's allocation of a portion of the costs of its helicopter

operations to the Maryland Emergency Medical System Operations Fund based on the past proportionate use of the helicopters for emergency medical transports is a reasonable interpretation of the statutory restrictions on the use of the Fund. 93 Op. Att'y Gen. 3 (Jan. 16, 2008).

TITLE 16.

VEHICLE LAWS — DRIVERS' LICENSES.

Subtitle 1. Issuance, Expiration, and Renewal of Licenses.

§ 16-102. Persons exempt from licensing requirements.

(a) *In general.* — The licensing requirements of this title do not apply to:

(1) An officer or employee of the United States while driving on official business a motor vehicle other than a commercial motor vehicle owned or operated by the United States;

(2) Except for members elected from this State, a member of the United States Congress who resides in this State during his term of office in the Congress;

(3) An individual while driving any road machine, farm tractor, or farm equipment temporarily driven on a highway in this State, or dock equipment at Dundalk or Locust Point marine terminals which does not require registration under the provisions of this article;

(4) An individual who, while driving a mobile crane on a highway to or from a construction site in this State, has with him a valid Class A, B, or C license issued to him under § 16-104.1 of this subtitle or a Class A or B commercial driver's license issued to him under this title;

(5) A nonresident student enrolled in an accredited school, college, or university of this State or of a bordering state or serving a medical internship in this State, if:

(i) The state of which the student is a resident extends the same privileges to the residents of this State;

(ii) The student has with him a license to drive issued to him by the state of which he is a resident; and

(iii) The license authorizes the student to drive in the state of which he is a resident vehicles of the class he is driving in this State;

(6) A new resident of this State during the first 60 days of residency, if:

(i) The individual has a valid license issued by the state of which the individual formerly was a resident;

(ii) The license authorizes the individual to drive in the state of former residence vehicles of the class the individual is driving in this State; and

(iii) The individual is at least the same age as that required for a resident to drive a vehicle of the same class the individual is driving in this State;

(7) A member of the armed forces of the United States or of the United States Public Health Service who is serving on active duty and any dependent of the member, if:

(i) The driver has with him a license to drive issued to him by his state of domicile; and

(ii) The license authorizes the driver to drive in his state of domicile vehicles of the class he is driving in this State;

(8) For not more than 30 days after he returns to the United States, a member of the armed forces of the United States who is returning from active duty outside the United States and any dependent of the member who is returning from residence with the member outside the United States; if:

(i) The driver has with him a license to drive issued to him by the armed forces of the United States in a place outside the United States; and

(ii) The license authorizes the driver to drive vehicles of the class he is driving in this State;

(9) A nonresident of this State if:

(i) He has with him a license to drive issued to him by the state of his residence;

(ii) His license authorizes him to drive in that state vehicles of the class he is driving in this State; and

(iii) He is at least the same age as that required of a resident for the vehicle he is driving in this State;

(10) A nonresident of the United States if:

(i) The individual has a valid license to drive issued to the individual by the country of residence;

(ii) The individual's license authorizes him to drive in that country vehicles of the class he is driving in this State;

(iii) The individual is at least the same age as that required of a resident for the vehicle he is driving in this State; and

(iv) Except as provided for in Subtitle 8 of this title, the vehicle is not a commercial motor vehicle;

(11) A member of the Maryland National Guard or a National Guard military technician if:

(i) The driver is driving a military vehicle in the performance of duty; and

(ii) The driver has with him an operator's identification card issued by the Maryland National Guard for the type of military vehicle being driven; and

(12) A member or employee of a fire department, rescue squad, emergency medical services unit, or volunteer fire company while driving an emergency vehicle if the driver:

(i) Holds a valid Class C license issued to the driver under § 16-104.1 of this subtitle;

(ii) Has been authorized by the political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department to operate the type of emergency vehicle being driven; and

(iii) Is driving the emergency vehicle in the performance of the official duties of the driver in or out of this State.

(b) *Regulations.* — (1) The Administration shall adopt regulations that establish mandatory training and testing requirements that a political subdivision that operates a fire department, rescue squad, emergency medical services unit, or volunteer fire department must implement before the political subdivision may authorize an individual to operate an emergency vehicle in accordance with subsection (a)(12) of this section.

(2) The Administration shall adopt the regulations required under this subsection in consultation with:

(i) The Maryland Firemen's Association;

(ii) The Maryland Fire Chief's Association;

(iii) The Professional Firefighters Association of Maryland;

(iv) The Metropolitan Fire Chief's Council; and

(v) The Maryland Fire and Rescue Institute of the University of Maryland. (An. Code 1957, art. 66½, §§ 6-102, 6-102.1; 1977, ch. 14, § 2; 1979, ch. 133; 1981, ch. 743; 1982, ch. 38; 1989, ch. 291, § 2; 2002, ch. 128; 2003, ch. 274; 2005, ch. 167, § 1; 2017, ch. 55.)

REVISOR'S NOTE

Subsection (c) of this section is repealed as unnecessary in light of § 27-101 of this article, which makes any violation of the Maryland Vehicle Law a misdemeanor punishable by a

\$500 fine, except as otherwise provided, and § 27-102 of this article, which makes it a misdemeanor to violate a regulation adopted under the Maryland Vehicle Law.

Effect of amendments. — Chapter 55, Acts 2017, effective October 1, 2017, repealed (c).

Applicability of exemption in marine terminals. — Licensing exemption provided in (a)(3) applies within entire geographical con-

finances of Dundalk and Locust Point marine terminals, including their streets and highways and their work, storage, and parking areas, but not to any areas outside of terminal property. 64 Op. Att'y Gen. 322 (1979).

Scope of exemptions. — Paragraph (a)(9) does not apply to drivers who already have Maryland licenses and then change their residence; when read in context of mandatory notification provision in § 16-116, it is evident that this section merely lists persons exempt from the initial licensing requirements of Maryland. *United States v. Haynesworth*, 743 F. Supp. 388 (D. Md. 1990).

“Special mobile equipment.” — Dock equipment to which the licensing exemption in (a)(3) applies are vehicles classified by the Administration as “special mobile equipment,” and customarily used in connection with the loading, unloading, and storage of cargo at the Dundalk and Locust Point marine terminals. These include fork-lifts, yard hustlers, and straddle carriers. 64 Op. Att’y Gen. 322 (1979).

Large vehicle operators. — Operators of large vehicles, such as a Gradeall, mobile cranes and hydro cranes, must have at least a valid Class D license, and if operating a combination of such vehicles must possess a valid Class A license. 60 Op. Att’y Gen. 502 (1975).

Driving while license or privilege revoked. — Conviction of driving while license or

privilege was revoked was improper because the phrase “privilege to drive” in § 16-303(d) of this title applied to a person authorized to drive in Maryland pursuant to a valid Maryland license or an exemption from the license requirement as provided in this section, and defendant was never licensed in Maryland or anywhere else; under the plain language of § 16-101 of this subtitle, a person was allowed to drive in Maryland, and was indeed “privileged to drive” in Maryland, if he or she held a valid Maryland driver’s license, was exempt from the driver’s license requirement, or was otherwise authorized by law to drive in Maryland. Nothing in § 11-116 of this article or § 11-128(2)(iv) of this article granted an automatic privilege to drive a motor vehicle in Maryland that was not granted by legislative enactment. *State v. Sullivan*, 407 Md. 493, 966 A.2d 919 (2009).

Quoted in *Smith v. State*, 425 Md. 292, 40 A.3d 428 (2012).

Stated in *Usiak v. State*, 413 Md. 384, 993 A.2d 39 (2010).

Cited in *In re David K.*, 48 Md. App. 714, 429 A.2d 313 (1981).

§ 16-118. Medical Advisory Board.

(a) *Administrator may appoint Board and secretary.* — (1) The Administrator may appoint a Medical Advisory Board of qualified physicians and optometrists to enable the Administration to comply properly with the provisions of this title regarding the physical and mental condition of individuals who seek to drive on highways in this State.

(2) The Administrator also may appoint a medical secretary to serve the Board.

(b) *Compensation.* — Each member of the Medical Advisory Board is entitled to compensation for each meeting that the member attends. The compensation shall be paid out of funds appropriated to the Administration.

(c) *Duties.* — (1) The Administrator may refer to the Medical Advisory Board, for an advisory opinion, the case of any licensee or applicant for a license, if the Administrator has good cause to believe that the driving of a vehicle by him would be contrary to public safety and welfare because of an existing or suspected mental or physical disability.

(2) The Board shall meet at the pleasure of the Administrator.

(d) *Records confidential.* — (1) Except as provided in paragraph (2) of this subsection, the records of the Medical Advisory Board:

(i) Are confidential;

(ii) May be disclosed only on court order; and

(iii) May be used only to determine the qualifications of an individual to drive.

(2) The Administration may use information in its records for the purpose of driver safety research, provided that personal information is not published or disclosed.

(3) The Administration may contract with third parties to assist with driver safety research.

(4) A person may not use these records for any other purpose. (An. Code 1957, art. 66½, § 2-305; 1977, ch. 14, § 2; 1981, ch. 674; 2008, chs. 423, 424.)

University of Baltimore Law Forum. — For 1998 Developments: “Attorney General Opinions: Attorney General Describes Authority of Medical Advisory Board”, 28.1 U. Balt. L.F. 33 (1998).

Quoted in Pulliam v. Motor Vehicle Admin., 181 Md. App. 144, 955 A.2d 843 (2008).

§ 16-119. Reports of certain disorders by physicians and specialists.

(a) *Certain disorders to be defined.* — The Maryland Department of Health, together with the Medical and Chirurgical Faculty and the State Board of Examiners in Optometry, shall define:

(1) Disorders characterized by lapses of consciousness; and

(2) Disorders that result in a corrected visual acuity that fails to comply with the vision requirements of this subtitle.

(b) *Reports to be made to Administration and to subject of report.* —

(1) Except as provided in paragraph (2) of this subsection, any physician and any other person authorized to diagnose, detect, or treat disorders defined under subsection (a) of this section may report to the Medical Advisory Board and to the subject of the report, in writing, the full name, date of birth, and address of each individual 15 years old or older who has any such disorder.

(2) Unless authorized by the individual in writing, a report may not be made from information derived from the diagnosis or treatment of any individual on whom a confidential or privileged relationship is conferred by law.

(c) *Persons to be examined.* — On receipt of a report under this section, the Administration shall:

(1) As soon as practicable, arrange for an examination of each reported individual who holds a driver’s license; and

(2) If the individual fails to meet the requirements of this subtitle, cancel his license.

(d) *Reports confidential.* — (1) Except as provided in paragraph (2) of this subsection, the reports made to the Administration under this section:

(i) Are confidential;

(ii) May be disclosed only on court order; and

(iii) May be used only to determine the qualifications of an individual to drive.

(2) The Administration may use information in the reports it receives for the purpose of driver safety research, provided that personal information is not published or disclosed.

(3) The Administration may contract with third parties to assist with driver safety research.

(4) A person may not use these reports for any other purpose.

(e) *No civil or criminal action against informant who does not violate privilege.* — A civil or criminal action may not be brought against any person

who makes a report under this section and who does not violate any confidential or privileged relationship conferred by law.

(f) *Use of report as evidence.* — A report made under this section may not be used as evidence in any civil or criminal trial, except in a legal action involving an alleged violation of a confidential or privileged relationship conferred by law. (An. Code 1957, art. 66½, § 6-110.3; 1977, ch. 14, § 2; 1981, ch. 9, § 1; 2008, chs. 423, 424; 2017, ch. 214, § 7.)

Editor's note. — Section 7, ch. 214, Acts 2017, provides that “the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction made in an editor's note following the section affected.” Pursuant to § 7, ch. 214, Acts 2017, “Maryland Department of Health” was substituted for “Department of Health and Mental Hygiene” in the introductory language of (a).

Physician-patient privilege. — Apart from the psychologist and psychiatrist privilege in § 9-109 of the Courts Article, there is no physician-patient privilege in Maryland. 71 Op. Att’y Gen. 407 (1986).

Disclosure of records. — Prohibitions of § 4-301(b) of the Health - General Article do not prevent physicians from reporting under this section. 71 Op. Att’y Gen. 407 (1986).

Stated in Pulliam v. Motor Vehicle Admin., 181 Md. App. 144, 955 A.2d 843 (2008).

TITLE 17.

VEHICLE LAWS — REQUIRED SECURITY.

Subtitle 1. General Security Provisions.

§ 17-107. Prohibitions.

(a) *Vehicle not covered by required security.* — A person who knows or has reason to know that a motor vehicle is not covered by the required security may not:

(1) Drive the vehicle; or

(2) If the person is an owner of the vehicle, knowingly permit another person to drive it.

(b) *Evidence of violation of subsection (a).* — (1) In any prosecution under subsection (a) of this section for a vehicle that is registered in the State, the introduction of the official records of the Motor Vehicle Administration showing the absence of a record that the vehicle is covered by the security required under § 17-104 of this subtitle shall be prima facie evidence that a person knows or has reason to know that a motor vehicle is not covered by the required security.

(2) The introduction of evidence of the records of the Administration may not limit the introduction of other evidence bearing upon whether the vehicle was covered by the required security.

(c) *Defense of sovereign immunity.* — An owner or lessee of any motor vehicle registered under Title 13 of this article may not raise the defense of sovereign or governmental immunity as described under § 5-524 of the Courts and Judicial Proceedings Article.

(d) *Penalties for violation of section.* — A person convicted of a violation of this section is subject to:

- (1) For a first offense, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and
- (2) For a second or subsequent offense, imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both. (An. Code 1957, art. 66½, § 7-103; 1977, ch. 14, § 2; 1981, ch. 250; 1988, ch. 787; 1990, ch. 546, § 3; 1997, ch. 14, § 20; 2017, chs. 55, 345.)

REVISOR'S NOTE

Subsection (d) of this section is new language derived without substantive change from for-

mer § 27-101(h) of this article, as it related to this section.

Effect of amendments. — Chapter 55, Acts 2017, effective October 1, 2017, added (d).

Chapter 345, Acts 2017, effective October 1, 2017, added “for a vehicle that is registered in the state” in (b)(1); and made a stylistic change.

Maryland Law Review. — For survey, “Developments in Maryland Law, 1990-91,” see 51 Md. L. Rev. 507 (1992).

University of Baltimore Law Review. — For article, “Governmental Immunity in Maryland: A Practitioner’s Guide to Making and Defending Tort Claims,” see 36 U. Balt. L. Rev. 37 (2006).

University of Baltimore Law Forum. — For an article, “Stop Asking Which Came First, The Jail Or The Criminal — Start Reinvesting In Justice In Maryland,” see 47 U. Balt. L.F. 99 (2017).

Construction with § 19-103 of this article. — This section and § 19-103 of this article provide that a jurisdiction that can demonstrate it is self-insured enjoys limited liability for damages arising out of the negligent operation of an emergency vehicle performing an emergency service to the extent that the damages exceed the amount of the jurisdiction’s self-insurance. *Khawaja v. Mayor of Rockville*, 89 Md. App. 314, 598 A.2d 489 (1991).

Construction with § 5-304 of the Courts Article. — The language in the Local Government Tort Claims Act is unambiguous: the notice requirement set forth in § 5-304 of the Courts Article is applicable to cases brought against the local government or its agents pursuant to this section. *Williams v. Montgomery County*, 123 Md. App. 119, 716 A.2d 1100 (1998).

The longstanding notice requirement pertaining to tort actions against local governments, currently set forth in § 5-304 of the Courts Article, applies to an action for unliquidated damages brought against a county pursuant to this section and § 5-524 of the Courts Article. *Williams v. Maynard*, 359 Md. 379, 754 A.2d 379 (2000).

Construction with local government tort claims act. — Baltimore City, Maryland,

as the self-insurer of an at-fault vehicle involved in an accident, is obligated under § 17-103(b) of this subtitle to pay property damage liability claims up to \$15,000 and, since the City did not include in its application for self-insurance any permissive user clause, no such exclusion existed in its Certificate of Self-Insurance when the captain of the fire department was involved in a motor vehicle accident while operating a City-owned vehicle. As a result, despite the city not being required to indemnify the captain under the Local Government Tort Claims Act, § 5-301et seq. of the Courts Article, since the captain was acting outside the scope of his employment at the time of the accident as a result of picking up his children from school and bringing them home for dinner, the City, as the self-insurer of the vehicle, was obligated to pay the judgment entered against the captain for the negligent operation of the City-owned vehicle in the same manner as an insurance company under an ordinary motor vehicle liability insurance policy. *Edwards v. Mayor & City Council*, 176 Md. App. 446, 933 A.2d 495 (2007).

Required security. — The reference to “required security” in this section is to security for personal injury and property damage tort liability. *Nationwide Mut. Ins. Co. v. United States Fid. & Guar. Co.*, 314 Md. 131, 550 A.2d 69 (1988).

State motor vehicles. — The language of the 1981 Act amending this section waiving sovereign immunity to the extent of the required security accepted by the Motor Vehicle Administration under § 17-103 of this article indicates no intent to require coverage for personal injury protection and uninsured motorist benefits on State motor vehicles. *Nationwide Mut. Ins. Co. v. United States Fid. & Guar. Co.*, 314 Md. 131, 550 A.2d 69 (1988).

Subsection (c) merely prevents Maryland’s governmental entities from interposing the governmental or sovereign immunity they might otherwise enjoy, in order to frustrate otherwise proper recovery against the mandatory security all vehicle operators, including

governmental ones, must post; to the extent of that security, then, it puts governmental vehicle owners or lessees in the same position as private owners or lessees, and by its terms, at least, it says nothing whatsoever about the liability of vehicle operators. *Pavelka v. Carter*, 996 F.2d 645 (4th Cir. 1993).

Limited waiver of sovereign immunity.

— This section effectuates a more limited waiver of sovereign immunity than the Maryland Tort Claims Act, without the precondition of timely notice before suit may be instituted. *State v. Harris*, 327 Md. 32, 607 A.2d 552 (1992).

There is no irreconcilable inconsistency between the Maryland Tort Claims Act, which requires notice of claim prior to the institution of suit, and subsection (b), which makes no such requirement. *State v. Harris*, 327 Md. 32, 607 A.2d 552 (1992).

Local government immunity. — *State v. Harris*, 327 Md. 32, 607 A.2d 552 (1992), which was concerned with the Tort Claims Act, was inapplicable to a case involving the Local Government Tort Claims Act, § 5-401 et seq. (now § 5-301 et seq.) of the Courts Article, since the former act waives the State's sovereign immunity in negligence cases if its notice requirements are met, but the LGTCA does not waive

local governmental immunity when a local governmental entity is sued in its own capacity. Therefore, the county's direct liability for plaintiff's accident was limited to that provided by this section. *Pavelka v. Carter*, 996 F.2d 645 (4th Cir. 1993).

Applied in *Grant v. Allison*, 616 F. Supp. 1219 (D. Md. 1985); *State Cent. Collection Unit v. Jordan*, 405 Md. 420, 952 A.2d 266 (2008).

Quoted in *National Grange Mut. Ins. Co. v. Pinkney*, 284 Md. 694, 399 A.2d 877 (1979); *State v. Kramer*, 318 Md. 576, 569 A.2d 674 (1990); *Johnson v. Maryland State Police*, 331 Md. 285, 628 A.2d 162 (1993).

Stated in *Montgomery County v. Distel*, 436 Md. 226, 81 A.3d 397 (2013); *Asphalt & Concrete Servs. v. Perry*, — Md. App. —, — A.3d —, 2014 Md. App. LEXIS 134 (Oct. 30, 2014); *Asphalt & Concrete Servs. v. Perry*, 221 Md. App. 235, 108 A.3d 558 (2015).

Cited in *Privette v. State*, 320 Md. 738, 580 A.2d 188 (1990); *Condon v. State*, 332 Md. 481, 632 A.2d 753 (1993); *Proctor v. Washington Metro. Area Transit Auth.*, 412 Md. 691, 990 A.2d 1048 (2010); *Mitchell v. Hous. Auth. of Balt. City*, 200 Md. App. 176, 26 A.3d 1012 (2011); *Hansen v. City of Laurel*, 420 Md. 670, 25 A.3d 122 (2011); *Lowery v. State*, 430 Md. 477, 61 A.3d 794 (2013).

TITLE 19.

VEHICLE LAWS — CIVIL LIABILITY OF GOVERNMENTAL AGENCIES.

§ 19-103. Liability for negligent operation of emergency vehicle.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Emergency service” means:

- (i) Responding to an emergency call;
- (ii) Pursuing a violator or a suspected violator of the law; or
- (iii) Responding to, but not while returning from, a fire alarm.

(3) “Emergency vehicle” has the same meaning as in § 11-118 of this article.

(b) *Liability of operator.* — An operator of an emergency vehicle, who is authorized to operate the emergency vehicle by its owner or lessee while operating the emergency vehicle in the performance of emergency service as defined in subsection (a) of this section shall have the immunity from liability described under § 5-639(b) of the Courts and Judicial Proceedings Article.

(c) *Liability of owner or lessee.* — (1) An owner or lessee of an emergency vehicle, including a political subdivision, is liable to the extent provided in § 5-639(c) of the Courts and Judicial Proceedings Article for any damages caused by a negligent act or omission of an authorized operator while operating the emergency vehicle in the performance of emergency service as defined in subsection (a) of this section.

(2) An owner or lessee of an emergency vehicle, including a political subdivision, shall have the immunity from liability described under § 5-639(c) of the Courts and Judicial Proceedings Article.

(d) *Liability for self-insured jurisdiction.* — A self-insured jurisdiction shall have the immunity from liability under this section as described under § 5-639(d) of the Courts and Judicial Proceedings Article. (1983, ch. 539; 1990, ch. 546, § 3; 1997, ch. 14, § 20; 2003, ch. 21, § 1; 2012, ch. 66, § 6.)

Editor's note. — Section 2, ch. 539, Acts 1983, provides that “this act is not intended to be construed so as to bar completely any person from a cause of action or remedy in a situation where that person would have an available cause of action or remedy except for the operation of this act.”

Pursuant to § 6, ch. 66, Acts 2012, (a)(2) and (a)(3) were redesignated for purposes of alphabetical order.

Maryland Law Review. — For survey, “Developments in Maryland Law, 1990-91,” see 51 Md. L. Rev. 507 (1992).

University of Baltimore Law Review. — For comment, “Police Liability in High Speed Chases: Federal Constitution or State Tort Law; Why the Supreme Court’s New Standard Leaves the Burden on the State and What This Might Mean for Maryland,” 29 U. Balt. L. Rev. 139 (2001).

Construction with § 17-107 of this article. — This section and § 17-107 of this article provide that a jurisdiction that can demonstrate it is self-insured enjoys limited liability for damages arising out of the negligent operation of an emergency vehicle performing an emergency service to the extent that the damages exceed the amount of the jurisdiction’s self-insurance. *Khawaja v. Mayor of Rockville*, 89 Md. App. 314, 598 A.2d 489 (1991).

Immunity. — Where the operation of a State Police car by a State Police officer was negligent, but not gross negligence, the State is entitled to statutory immunity under subsection (b). *Boyer v. State*, 323 Md. 558, 594 A.2d 121 (1991).

In order for immunity to apply to a police officer, pursuant to § 5-639 of the Courts Article, when using an emergency vehicle in “pur-

suit” as stated in (a)(3)(ii) of this section, there must be at a minimum, movement by a suspect or violator of law, and reactive movement by the officer to apprehend said individual; thus, the actions by a police officer in investigating suspected drug activity in which the suspects remained in a stationary position did not qualify as a “pursuit” and, as such, the officer was not entitled to governmental immunity from a negligence suit brought by a driver and passenger who were injured in a collision with the officer when the officer drove the wrong way down a one-way street without activating the lights or sirens to investigate the suspected drug activity. *Schreyer v. Chaplain*, 416 Md. 94, 5 A.3d 1054 (2010).

Where appellant sued a police officer in connection with her son’s death in a collision with the officer’s cruiser, the officer was not immune from liability because his own testimony established that at the time he collided with the son’s motorcycle, he was no longer pursuing him and, thus, was no longer operating his cruiser “in the performance of emergency service.” *Holloway-Johnson v. Beall*, 220 Md. App. 195, 103 A.3d 720 (2014).

“Operation of a motor vehicle.” — A negligent decision to operate a motor vehicle in a particular manner under certain circumstances, and a negligent decision to continue operating the vehicle under those circumstances, constitutes the negligent “operation of a motor vehicle.” *Boyer v. State*, 323 Md. 558, 594 A.2d 121 (1991).

Operation of vehicles without using siren. — A police officer who drives a law enforcement vehicle during an emergency without using its siren is immune from liability for simple negligence. *Taylor v. Mayor of Baltimore*, 314 Md. 125, 549 A.2d 749 (1988).

TITLE 21.

VEHICLE LAWS — RULES OF THE ROAD.

Subtitle 1. Definitions; General Provisions.

§ 21-106. Emergency vehicles.

(a) *Circumstances for which privileges granted.* — Subject to the conditions stated in this section:

(1) The driver of an emergency vehicle registered in any state may exercise the privileges set forth in this section while:

- (i) Responding to an emergency call;
- (ii) Pursuing a violator or suspected violator of the law;
- (iii) Responding to, but not while returning from, a fire alarm;
- (iv) Transporting on an emergency basis a human organ for transplantation; or
- (v) Transporting medical personnel on an emergency basis for the purpose of performing human organ recovery or transplantation;

(2) The driver of an emergency vehicle registered in the State or a local jurisdiction in the State may exercise the privileges set forth in this section while performing motorcade or escort duty if the motorcade or escort duty involves:

- (i) Homeland security;
- (ii) A funeral;
- (iii) A dignitary; or
- (iv) Facilitating the safe movement of vehicles or pedestrians that are or will be near the motorcade or escort; and

(3) (i) The Administration may designate an organ delivery vehicle as an emergency vehicle only if it is registered to a federally designated organ procurement organization or a professional organ transportation organization.

(ii) A person may not exercise the privileges authorized under this section while operating an organ delivery vehicle unless the person is certified to operate emergency vehicles through completion of an emergency vehicle operator course approved by the Maryland Fire and Rescue Institute.

(b) *Enumeration of privileges.* — Under the circumstances stated in subsection (a) of this section, the driver of an emergency vehicle may:

- (1) Park or stand without regard to the other provisions of this title;
- (2) Pass a red or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety;
- (3) Exceed any maximum speed limit, but only so long as the driver does not endanger life or property;
- (4) Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction; and
- (5) Travel through any local jurisdiction in the State as necessary to perform and return from motorcade or escort duty.

(c) *Use of audible and visual signs required.* — (1) Subject to paragraph (2) of this subsection, the privileges set forth in this section apply only while the emergency vehicle is using audible and visual signals that meet the requirements of § 22-218 of this article, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals.

(2) The privileges set forth in subsection (b) (1) of this section apply only while the emergency vehicle is using visual signals that meet the requirements of § 22-218 of this article.

(3) (i) The driver of an emergency vehicle may not use flashing lights or a bell, siren, or exhaust whistle while returning from an emergency call, fire alarm, or motorcade or escort, except that fire apparatus carrying standing firemen may use flashing lights that are visible only to the rear.

(ii) The driver of an emergency vehicle, while parking or backing the emergency vehicle, may use flashing lights within 100 feet of the entrance ramp to a:

1. Fire station; or
2. Rescue station.

(4) Before exercising the privileges set forth in subsection (b)(5) of this section, the jurisdiction that employs the driver of a motorcade or escort shall provide notice of the motorcade or escort to any jurisdiction that the driver will enter while performing or returning from the motorcade or escort duty.

(d) *Driver not relieved from duty of care.* — This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons. (An. Code 1957, art. 66½, § 11-106; 1977, ch. 14, § 2; 1982, ch. 815; 1999, ch. 353; 2001, ch. 490; 2013, ch. 66; 2018, chs. 186, 187.)

Effect of amendments. — Chapter 66, Acts 2013, effective October 1, 2013, added the (a)(1) designation; added (a)(2), (b)(5), and (c)(4) and redesignated accordingly; in (c)(3)(i) added “or motorcade or escort”; and made related changes.

Chapters 186 and 187, Acts 2018, effective July 1, 2018, made identical changes. Each added (a)(1)(iv), (a)(1)(v), and (a)(3), and made related changes.

Maryland Law Review. — For article, “Of Men and Laws: Murphy, Cornford, Arnold, Potter, Parkinson, Peter, Maccoby, and Gall,” see 38 Md. L. Rev. 37 (1978).

For note, “Taking the Chartered Route Around Municipal Immunity,” see 41 Md. L. Rev. 316 (1982).

For survey, “Developments in Maryland Law, 1990-91,” see 51 Md. L. Rev. 507 (1992).

Legislative intent. — The General Assembly did not intend to create a new requirement that a vehicle must achieve privileges in order to become an emergency vehicle; rather, a vehicle is entitled to achieve privileges because it is an emergency vehicle. *Taylor v. Mayor of Baltimore*, 314 Md. 125, 549 A.2d 749 (1988).

Special privileges for emergency vehicles. — Grant of special privileges to emergency vehicle is a proper exercise of the police power of the State. *Baltimore Transit Co. v. Young*, 189 Md. 428, 56 A.2d 140 (1947).

Construction with police department general orders. — When a police officer struck an alleged injured party after running a red light when responding to an emergency, the police department’s General Order on how to drive in such situations (Baltimore City Police Department General Order No. 11-90) was admissible in the party’s suit against the city because the General Order imposed stricter conduct than that imposed by this section, regarding the operation of emergency vehicles, and did not allow anything the statute prohibited, and it was relevant to whether the officer’s

conduct was reasonable, although its violation was not proof of negligence per se. *Mayor of Baltimore v. Hart*, 395 Md. 394, 910 A.2d 463 (2006).

When a police officer struck an alleged injured party after running a red light, when responding to an emergency, the existence of this section, regarding the operation of emergency vehicles, did not render Baltimore City Police Department General Order No. 11-90, on the same subject, irrelevant because (1) this section was less stringent than the General Order, as it allowed a driver to pass through a red signal after slowing down, while the General Order required the driver to stop, (2) the statute did not prohibit a city police department from promulgating regulations enacting additional requirements for the operation of emergency vehicles, so long as they did not allow conduct the statute prohibited, and (3) the General Order was not preempted by the statute, under the “concurrent power” rule. *Mayor of Baltimore v. Hart*, 395 Md. 394, 910 A.2d 463 (2006).

Purpose of this section, regarding the operation of emergency vehicles, was to help facilitate the safe operation of emergency vehicles, and Baltimore City Police Department General Order No. 11-90, on the same subject, simply provided for a higher safety standard, so it neither conflicted with nor was inharmonious with this section, and no express provision in the Maryland Code showed that the General Assembly intended to restrict the regulation of the operation of emergency vehicles to itself, so the Baltimore City Council, through its delegation of power to the Baltimore City Police Commissioner, could supplement the State statute. *Mayor of Baltimore v. Hart*, 395 Md. 394, 910 A.2d 463 (2006).

Rights and liabilities of driver of emergency vehicle generally. — Although the driver of an emergency vehicle is ordinarily not limited in speed, and is authorized to drive with

caution past a red light, he may nevertheless be held liable for damages if, in the exercise of his special privileges, he fails to give audible warning of his approach and pays no attention whatever to traffic on an intersecting street. *Baltimore Transit Co. v. Young*, 189 Md. 428, 56 A.2d 140 (1947).

The driver of an emergency vehicle cannot be expected to use the same care that the law requires of the ordinary motorist who has no emergency duty to perform. To stop at every slight indication of danger might often be a failure of duty on the part of the emergency driver. On many occasions his prompt and fearless action is imperatively necessary to prevent loss of property or loss of life, or both, or even widespread disaster. *Baltimore Transit Co. v. Young*, 189 Md. 428, 56 A.2d 140 (1947).

Operators of emergency vehicles are liable for ordinary negligence. — Under a proper construction of this section, the provision that requires the operator of an authorized emergency vehicle to do so “with due regard for the safety of all persons using the street” renders him liable for ordinary negligence, namely, a failure to exercise reasonable care and diligence under the circumstances. *Mayor of Baltimore v. Fire Ins. Salvage Corps*, 219 Md. 75, 148 A.2d 444 (1959).

The Maryland statute renders the operators of emergency vehicles liable for ordinary negligence; namely, a failure to exercise reasonable care and diligence under the circumstances. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

The drivers of emergency vehicles are liable for ordinary negligence (though their conduct may not be measurable by the same yardstick as is applicable to drivers of conventional vehicles) and must use reasonable care under the circumstances. *Altenburg v. Sears*, 249 Md. 298, 239 A.2d 569 (1968).

This section did not dictate a statutory standard of reasonable care which was different from that espoused in the Maryland Civil Pattern Jury Instructions because § 11-205(a)(1) of this article specifically provided that, in a cause of action for negligence, unless provided otherwise, the provisions of the Maryland Vehicle Law did not in any way add to or detract from the right of any person who was injured or whose property was damaged by the negligent operation of a motor vehicle to sue and recover damages as in the case of the negligent use or operation of any other vehicle, and operators of emergency vehicles were liable for ordinary negligence, i.e., a failure to exercise reasonable care and diligence under the circumstances. *Mayor of Baltimore v. Hart*, 395 Md. 394, 910 A.2d 463 (2006).

Operators must exercise reasonable care and diligence. — Even though the drivers of authorized emergency vehicles are given

special privileges under this section, they are, nevertheless, required to exercise such reasonable care and diligence as the circumstances of the case may impose. *Altenburg v. Sears*, 249 Md. 298, 239 A.2d 569 (1968).

The drivers of emergency vehicles are not relieved from using due care for the safety of others. *Altenburg v. Sears*, 249 Md. 298, 239 A.2d 569 (1968).

Operators of authorized emergency vehicles are bound to exercise reasonable precautions against the extraordinary dangers of the situation that the proper performance of their duties compels them to create. *Mayor of Baltimore v. Fire Ins. Salvage Corps*, 219 Md. 75, 148 A.2d 444 (1959).

Operators of emergency vehicles, when making the prescribed signals, are given a qualified privilege from the statutory rules of the road, including speed regulations, although they are bound to exercise reasonable precautions against the extraordinary dangers of the situation that the proper performance of their duties compels them to create. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

Conduct of operators is not measured by same yardstick as drivers of conventional vehicles. — That operators of authorized emergency vehicles are liable for ordinary negligence under this section does not, of course, mean that their conduct in the operation of such vehicles is measured by exactly the same yardstick as the actions of the operators of conventional vehicles. The urgency of their missions demands that they respond to calls with celerity and as expeditiously as is reasonably possible. *Mayor of Baltimore v. Fire Ins. Salvage Corps*, 219 Md. 75, 148 A.2d 444 (1959).

Negligence and reasonable care are relative terms. — When dealing with the operation of emergency vehicles, it is particularly appropriate to recognize that negligence and reasonable care are relative terms and their application depends upon the situation of the parties and the degree of care and vigilance which circumstances reasonably impose. *Mayor of Baltimore v. Fire Ins. Salvage Corps*, 219 Md. 75, 148 A.2d 444 (1959).

Duty of care during high speed pursuit. — Although a police officer may owe a duty of care to third parties, it does not follow that the mere engagement in the high speed chase of a criminal suspect constitutes a prima facie breach of that duty whenever the fleeing suspect strikes a third party; the police officer’s conduct should be judged not by hindsight but should be viewed in light of how a reasonably prudent police officer would respond faced with the same difficult emergency situation. The officer is not to be held to the same coolness and accuracy of judgment of one not involved in an emergency vehicle pursuit. *Boyer v. State*, 323 Md. 558, 594 A.2d 121 (1991).

Authorized emergency vehicle may proceed on highway without audible signal.

— This section does not make it unlawful for an authorized emergency vehicle to proceed on a highway, even on an emergency mission, without audible signal. *Sullivan v. Costanza*, 258 Md. 672, 267 A.2d 87 (1970).

Failure to sound the audible bell, siren or exhaust whistle does not make driving an authorized emergency vehicle on a highway illegal. *Sullivan v. Costanza*, 258 Md. 672, 267 A.2d 87 (1970).

Failure to sound signal strips such vehicle of privilege. — The failure to sound the audible signal merely strips the authorized vehicle of its privilege to proceed without regard to speed limitations, right-of-way provisions, traffic-control devices and other rules of the road. *Sullivan v. Costanza*, 258 Md. 672, 267 A.2d 87 (1970).

Failure to sound the audible bell, siren or exhaust whistle merely results in a requirement that an authorized emergency vehicle be operated in accordance with all appropriate rules of the road, the same as any private or conventional vehicle. *Sullivan v. Costanza*, 258 Md. 672, 267 A.2d 87 (1970).

Police car without siren is emergency vehicle. — A police car driven without the use of its siren is an emergency vehicle. *Taylor v. Mayor of Baltimore*, 314 Md. 125, 549 A.2d 749 (1988).

Police officers escorting motorcycle charity rides. — Police officers may operate in “emergency status” and disregard the normal rules of the road when providing escorts for motorcycle charity rides, and local police officers may participate in escort duty outside of their home jurisdictions. When doing so, local police officers can take certain actions necessary to perform and return from the escort duty, but they cannot make arrests or issue citations for violations of the traffic laws. 99 Op. Att’y Gen. 50 (July 17, 2014).

Operation of vehicle without using siren. — A police officer who drives a law enforcement vehicle during an emergency without using its siren is immune from liability for simple

negligence. *Taylor v. Mayor of Baltimore*, 314 Md. 125, 549 A.2d 749 (1988).

Speed. — Speed alone is not negligence per se in the case of emergency vehicles making the prescribed signals. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

The police officer, pursuing a traffic violator at a speed of 90 miles per hour, was not guilty of contributory negligence as a matter of law, when a sudden unsignaled turn by the pursued forced him to elect between striking the pursued vehicle and striking a tree. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

When police vehicles operated by defendants, who were police officers, were found by a speed monitoring system to have exceeded the posted speed limit, nothing showed that defendants were exempt from the “rules of the road” at the relevant times because nothing showed defendants were (1) responding to an emergency or a fire alarm, or (2) pursuing a suspected violator. *State v. Cates*, 417 Md. 678, 12 A.3d 116 (2011).

Duty of care not prescribed as to officer himself or offender. — This article does not, in terms, prescribe a duty on the part of the officer to use care for his own safety, or for the safety of an offender whose reckless conduct is the only occasion for the exercise of the officer’s privilege, if not duty, to disregard the ordinary speed regulations. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

Safety of nonparticipants is only concern. — Statute is only concerned with safety of nonparticipants in chase. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

Reckless disregard for safety of others. — Evidence that the driver of an emergency vehicle drove at high speed past a red light at a busy street intersection, without giving due warning to traffic on the intersecting street, warrants a finding that the vehicle was being operated with “a reckless disregard for the safety of others.” *Baltimore Transit Co. v. Young*, 189 Md. 428, 56 A.2d 140 (1947).

Rear-end collision negligence as matter of law. — See *Altenburg v. Sears*, 249 Md. 298, 239 A.2d 569 (1968).

Quoted in *James v. Prince George’s County*, 288 Md. 315, 418 A.2d 1173 (1980).

§ 21-107. Authority of school crossing guards to direct traffic.

(a) *In general.* — A school crossing guard who meets the qualifications in subsection (b) of this section may stop or otherwise direct vehicles and pedestrians on a highway or on school grounds to assist:

- (1) Pedestrians in the safe crossing of highways at a school crossing;
- (2) School vehicles in entering and leaving school grounds; and
- (3) Except in Baltimore City, vehicles that are not school vehicles in entering and leaving school grounds.

(b) *Qualifications.* — A school crossing guard is qualified to direct traffic as described in subsection (a) of this section if the school crossing guard:

- (1) Is 18 years of age or older;
- (2) Is under the control of a local law enforcement agency or a county school board;
- (3) Has completed training to perform any traffic direction duties to which the guard is assigned as prescribed by the law enforcement agency or county school board that has control over the school crossing guard; and
- (4) Is wearing an appropriate uniform as specified by the law enforcement agency or county school board that has control over the school crossing guard.

(c) *Willful disobedience of direction prohibited.* — A person may not willfully disobey a lawful direction of a school crossing guard exercising the authority granted in this section.

(d) *Assisting pedestrian.* — Nothing in this section prohibits a school crossing guard who does not meet the qualifications specified in subsection (b) of this section from assisting a pedestrian to cross a highway, providing the school crossing guard does not attempt to do so by directing traffic. (2008, ch. 258; 2017, ch. 760.)

Effect of amendments. — Chapter 760, Acts 2017, effective October 1, 2017, added (a)(3) and made related changes.

Subtitle 2. Traffic Signs, Signals, and Markings.

§ 21-206. Interference with traffic control devices or railroad signs and signals.

(a) *Alteration or interference.* — A person without lawful authority may not willfully alter, or interfere with the operation of, any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(b) *Defacing.* — A person without lawful authority may not willfully deface any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(c) *Injuring.* — A person without lawful authority may not willfully injure any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(d) *Knocking down.* — A person without lawful authority may not willfully knock down any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(e) *Changing directions.* — A person without lawful authority may not willfully change the direction of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(f) *Twisting.* — A person without lawful authority may not willfully twist any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(g) *Removing any part of it.* — A person without lawful authority may not willfully remove any part of any traffic control device or any railroad sign or signal, including any inscription, shield, or insignia on it.

(h) *Possession or use of device to alter or interfere with operation of signal prohibited.* — A person without lawful authority may not possess, with an intent to use, any device capable of transmitting an infrared, electronic, or other signal to a traffic control device or a railroad sign or signal for the purpose of altering or otherwise interfering with the operation of the traffic control device or a railroad sign or signal.

(i) *Penalty for violation of section.* — A person convicted of a violation of this section is subject to imprisonment not exceeding 2 months or a fine not exceeding \$500 or both. (An. Code 1957, art. 66½, § 11-206; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 2004, ch. 126; 2017, ch. 55.)

REVISOR'S NOTE

Subsection (i) of this section is new language derived without substantive change from former § 27-101(c)(16) of this article.

Cross references. — As to additional provision with regard to interfering with railroad signals or giving unauthorized signals, see § 6-504 of the Criminal Law Article.

Effect of amendments. — Chapter 55, Acts 2017, effective October 1, 2017, added (i).

Subtitle 4. Right-of-Way.

§ 21-405. Operation of vehicles on approach of emergency vehicles or tow trucks.

(a) *In general.* — On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall yield the right-of-way.

(b) *Duty of driver upon approach of emergency vehicle.* — On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall drive immediately to a position parallel to and as close as possible to the edge or curb of the roadway, clear of any intersection.

(c) *Stopping until emergency vehicle passes.* — On the immediate approach of an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, shall stop and stay in this position until the emergency vehicle has passed.

(d) *Passing emergency or police vehicle.* — A driver, when proceeding in the same direction as an emergency or police vehicle, may not pass an emergency vehicle using audible and visual signals that meet the requirements of § 22-218 of this article or a police vehicle lawfully using an audible signal unless:

- (1) The emergency vehicle has stopped; or
- (2) Otherwise directed by a police officer.

(e) *Duty of driver upon approach of emergency vehicle or tow trucks on highway.* — (1) This subsection applies to a stopped, standing, or parked vehicle that is:

- (i) 1. On a highway; and
 2. Using a visual signal that meets the requirements of § 22-218 or § 22-218.2 of this article; and
- (ii) 1. A commercial motor vehicle providing emergency maintenance to a disabled vehicle;
 2. An emergency vehicle;
 3. A service vehicle as defined under § 22-201 of this article;
 4. A tow truck that is properly registered in accordance with § 13-920 of this article; or
 5. A waste or recycling collection vehicle.

(2) Unless otherwise directed by a police officer or a traffic control device, the driver of a motor vehicle that approaches from the rear a stopped, standing, or parked vehicle to which this subsection applies shall:

(i) If practicable and not otherwise prohibited and with due regard for safety and traffic conditions, make a lane change into an available lane not immediately adjacent to the stopped, standing, or parked vehicle; or

(ii) If the driver of the motor vehicle is unable to make a lane change in accordance with item (i) of this paragraph, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

(f) *Driver of emergency vehicle not relieved from duty of care.* — This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons. (An. Code 1957, art. 66½, § 11-405; 1977, ch. 14, § 2; 1980, ch. 825; 1981, ch. 169; 1986, ch. 472, § 1; 2010, chs. 540, 541; 2014, ch. 406; 2017, ch. 55; 2018, chs. 544, 545.)

Effect of amendments. — Chapters 540 and 541, Acts 2010, effective October 1, 2010, made identical changes. Each added (e) and redesignated accordingly.

Chapter 406, Acts 2014, effective October 1, 2014, added “or a tow truck that is properly registered in accordance with § 13-920 of this article” in the introductory language of (e) and in the introductory language of (e) and in (e)(1) added “or tow truck” after “the emergency vehicle.”

Chapter 55, Acts 2017, effective October 1, 2017, reenacted the section without change.

Chapters 544 and 545, Acts 2018, effective October 1, 2018, made identical changes. Each rewrote (e).

Maryland Law Review. — For survey of Maryland Court of Appeals decisions, 1975-1976, regarding torts, see 37 Md. L. Rev. 158 (1977).

Rights-of-way have bearing on negligence question. — Rights-of-way have impor-

tant bearing upon question of negligence and somewhat relax the strict rule of contributory negligence. *Moon v. Weeks*, 25 Md. App. 322, 333 A.2d 635 (1975).

Police power properly exercised. — The grant of special privileges to an emergency vehicle is a proper exercise of the police power of the State. *Baltimore Transit Co. v. Young*, 189 Md. 428, 56 A.2d 140 (1947).

Qualified privilege. — Operators of emergency vehicles, when making the prescribed signals, are given a qualified privilege from the statutory rules of the road, including speed regulations, although they are bound to exercise reasonable precautions against the extraordinary dangers of the situation that the proper performance of their duties compels them to create. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

Notice of approach of emergency vehicle. — To impose upon a traveler on a highway the duty of giving the right-of-way to an autho-

alized emergency vehicle, notice to him must be given of its approach so that he has a reasonable opportunity to stop or otherwise yield the right-of-way. *Baltimore Transit Co. v. Young*, 189 Md. 428, 56 A.2d 140 (1947).

Liability of operators of emergency vehicles. — That operators of authorized emergency vehicles are liable for ordinary negligence under this section does not, of course, mean that their conduct in the operation of such vehicles is measured by exactly the same yardstick as the actions of the operators of conventional vehicles. The urgency of their missions demands that they respond to calls with celerity and as expeditiously as is reasonably possible. *Mayor of Baltimore v. Fire Ins. Salvage Corps*, 219 Md. 75, 148 A.2d 444 (1959).

The Maryland statute renders the operators of emergency vehicles liable for ordinary negligence, namely, a failure to exercise reasonable care and diligence under the circumstances. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

The drivers of emergency vehicles are not relieved from using due care for the safety of others. *Altenburg v. Sears*, 249 Md. 298, 239 A.2d 569 (1968).

The drivers of emergency vehicles are liable for ordinary negligence (though their conduct may not be measurable by the same yardstick

as is applicable to drivers of conventional vehicles) and must use reasonable care under the circumstances. *Altenburg v. Sears*, 249 Md. 298, 239 A.2d 569 (1968).

Speed not negligence per se. — Speed alone is not negligence per se in the case of emergency vehicles making the prescribed signals. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

A police officer, pursuing a traffic violator at a speed of 90 miles per hour, was not guilty of contributory negligence as a matter of law, when a sudden unsignaled turn by the pursued forced him to elect between striking the pursued vehicle and striking a tree. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

Duty of care not prescribed as to officer himself or offender. — This article does not, in terms, prescribe a duty on the part of the officer to use care for his own safety, or for the safety of an offender whose reckless conduct is the only occasion for the exercise of the officer's privilege, if not duty, to disregard the ordinary speed regulations. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

Rule applicable to nonparticipants in chase. — As statute is only concerned with safety of nonparticipants in a chase. *Martin v. Rossignol*, 226 Md. 363, 174 A.2d 149 (1961).

Cited in *Fielding v. State*, 238 Md. App. 262, 189 A.3d 871 (2018).

Subtitle 5. Pedestrians' Rights and Rules.

§ 21-510. Pedestrians to yield right-of-way to emergency vehicles.

(a) *In general.* — A pedestrian who crosses a roadway shall yield the right-of-way to any approaching emergency vehicle that is using audible and visual signals that meet the requirements of § 22-218 of this article.

(b) *Police vehicles using audible signal.* — A pedestrian who crosses a roadway shall yield the right-of-way to any approaching police vehicle that is lawfully using an audible signal.

(c) *Driver not relieved from duty of care.* — This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons. (An. Code 1957, art. 66½, § 11-501.1; 1977, ch. 14, § 2; 1986, ch. 472, § 1.)

Subtitle 10. Stopping, Standing, and Parking.

§ 21-1003. Stopping, standing, or parking prohibited in specified places.

(a) *General rule.* — The provisions of this section apply except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

(b) *Stopping, standing, or parking in front of public driveway.* — A person may not stop, stand, or park a vehicle in front of a public driveway.

(c) *Sidewalks.* — A person may not stop, stand, or park a vehicle on a sidewalk.

(d) *Intersections.* — A person may not stop, stand, or park a vehicle in an intersection.

(e) *Crosswalks.* — A person may not stop, stand, or park a vehicle on a crosswalk.

(f) *Safety zones.* — A person may not stop, stand, or park a vehicle between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the State Highway Administration or local authority indicates a different length by signs or markings.

(g) *Highway excavations or obstructions.* — A person may not stop, stand, or park a vehicle alongside or opposite any highway excavation or obstruction if to do so would obstruct traffic.

(h) *Bridges.* — A person may not stop, stand, or park a vehicle on any bridge or other elevated structure on a highway.

(i) *Highway tunnels.* — A person may not stop, stand, or park a vehicle in a highway tunnel.

(j) *Places where stopping is prohibited by signs.* — A person may not stop, stand, or park a vehicle at any place where stopping is prohibited by an official sign.

(k) *Entrance or exit ramps of highways.* — A person may not stop, stand, or park a vehicle on any entrance or exit ramp of any highway with two or more lanes for traffic moving in the same direction.

(l) *Standing or parking.* — A person may not stand or park a vehicle in front of a private driveway without the consent of the owner or occupant of the premises.

(m) *Fire hydrants.* — A person may not stand or park a vehicle within 15 feet of a fire hydrant.

(n) *Standing, etc., within 20 feet of crosswalk at intersection.* — (1) This subsection does not apply in Baltimore City.

(2) A person may not stand or park a vehicle within 20 feet of a crosswalk at an intersection.

(o) *Standing, etc., within 30 feet of approach to flashing signals, etc.* — A person may not stand or park a vehicle within 30 feet on the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway.

(p) *Driveway entrances to fire stations.* — A person may not stand or park a vehicle within 20 feet of the driveway entrance to any fire station or on the side of a highway opposite the entrance to any fire station within 75 feet of the entrance, if properly signposted.

(q) *Standing or parking vehicles where standing prohibited by sign.* — A person may not stand or park a vehicle at any place where standing is prohibited by an official sign.

(r) *Standing or parking vehicles alongside of other stopped or parked vehicles.* — A person may not stand or park a vehicle on the roadway side of any other vehicle that is stopped or parked at the edge or curb of a highway.

(s) *Certain curves or hills.* — A person may not stand or park a vehicle on a curve or hill where solid lines on the surface of the roadway indicate a zone in which passing is prohibited.

(t) *Parking within 50 feet of railroad grade crossings.* — A person may not park a vehicle within 50 feet of the nearest rail in a railroad grade crossing.

(u) *Parking spaces for individuals with disabilities.* — A person may not stop, stand, or park a vehicle unless for the use of an individual with a disability, in a space or zone marked as restricted for the use of individuals with disabilities.

(v) *Property of Board of Education of Montgomery County or Montgomery College.* — A person may not park a vehicle on any property owned by the Board of Education of Montgomery County or Montgomery College where parking is prohibited by an official sign.

(w) *Parking on property owned by Board of Education of Baltimore County.* — A person may not park a vehicle on any property owned by the Board of Education of Baltimore County or the community colleges of Baltimore County where parking is prohibited by an official sign.

(x) *Parking on property owned by Board of Education of Wicomico County.* — A person may not park a vehicle on any property owned by the Board of Education of Wicomico County or the community colleges of Wicomico County where parking is prohibited by an official sign.

(y) *Parking on property owned by Board of Education of Prince George's County.* — A person may not park a vehicle on any property owned by the Board of Education of Prince George's County where parking is prohibited by an official sign.

(z) *Parking on property owned by Board of Education of Calvert County, Charles County, or St. Mary's County.* — A person may not park a vehicle on any property owned by the Board of Education of Calvert County, Charles County, or St. Mary's County or the community colleges of Calvert County, Charles County, or St. Mary's County where parking is prohibited by an official sign.

(aa) *Parking at other places where parking prohibited by sign.* — A person may not park a vehicle at any other place where parking is prohibited by an official sign.

(bb) *Moving the vehicle of another into a prohibited area.* — A person may not move a vehicle that he does not lawfully control into any prohibited area.

(cc) *Moving vehicle away from curb for unlawful distance.* — A person may not move a vehicle that the person does not lawfully control away from a curb for an unlawful distance.

(dd) *Parking in front of curb ramp.* — A person may not stop, stand, or park a vehicle in front of a curb ramp designed for the use of individuals with disabilities.

(ee) *Parking in front of passenger loading zone.* — A person may not stop, stand, or park a vehicle in front of or on a passenger loading zone designed or marked for the use of individuals with disabilities.

(ff) *Penalties for violation of section.* — (1) A person convicted of a violation of subsection (j) of this section while operating a commercial motor vehicle in Anne Arundel County is subject to:

- (i) For a first offense, a fine of \$100;
- (ii) For a second offense, a fine of \$250; and
- (iii) For a third or subsequent offense, a fine of \$500.

(2) A person convicted of a violation of subsection (u) or (dd) of this section is subject to a fine of \$25. (An. Code 1957, art. 66½, § 11-1003; 1977, ch. 14, § 2; ch. 169; 1984, ch. 233; 1985, ch. 351; 1986, ch. 472, § 1; 1989, ch. 390; 1993, ch. 409; 1996, ch. 603; 2002, ch. 490; 2004, ch. 201; 2006, ch. 507; 2017, ch. 55.)

REVISOR'S NOTE

Subsection (ff) of this section is new language derived without substantive change from former §§ 27-101(w) and 27-106(b) of this article.

Effect of amendments. — Chapter 55, Acts 2017, effective October 1, 2017, added (ff).

Purpose. — Since the legislative purpose of (r) is obviously to expedite traffic, it may be questioned whether the prohibition was designed to protect other users of the highway or affect their relative rights in any way. *Maggitti v. Cloverland Farms Dairy, Inc.*, 201 Md. 528, 95 A.2d 81 (1953).

Since bridges often tend to become bottlenecks it seems to be virtually axiomatic that the General Assembly intended only the facilitation and expedition of traffic and not the protection of users of the bridge when it enacted (h). *Whoolery v. Hagan*, 247 Md. 699, 234 A.2d 605 (1967).

Temporary stop. — Stopping a vehicle temporarily in a designated “No Parking” zone may not be a violation of the law. *Atlantic Mut. Ins. Co. v. Kenney*, 323 Md. 116, 591 A.2d 507 (1991).

Lawful double parking not negligence. — Negligence cannot be predicated upon law-

fully “double parking” for the necessary purpose of delivering merchandise, even though the effect is to obscure the view of other users of the highway. *Maggitti v. Cloverland Farms Dairy, Inc.*, 201 Md. 528, 95 A.2d 81 (1953).

Unlawful double parking must be proximate cause of accident. — Assuming that the “double parking” of a milk truck was unlawful, it was held on demurrer not to be the proximate cause of an accident which resulted when a motorist, passing the truck on the left side of the street, struck a child attempting to cross the street. *Maggitti v. Cloverland Farms Dairy, Inc.*, 201 Md. 528, 95 A.2d 81 (1953).

Applied in *Gilmore v. State*, 204 Md. App. 556, 42 A.3d 123 (2012).

Quoted in *McQuay v. Schertle*, 126 Md. App. 556, 730 A.2d 714 (1999), cert. denied, 356 Md. 18, 736 A.2d 1065 (1999).

Cited in *United States v. Stanfield*, 906 F. Supp. 300 (D. Md. 1995), aff'd, 109 F.3d 976 (4th Cir. 1997).

Subtitle 11. Miscellaneous Rules.

§ 21-1109. Following fire apparatus prohibited; passing parking or backing emergency vehicles prohibited.

(a) *Fire apparatus.* — Unless he is on official business, the driver of a vehicle may not:

- (1) Follow within 500 feet of any fire apparatus traveling in response to a fire alarm; or
- (2) Drive or park within 300 feet of any fire apparatus stopped in response to a fire alarm.

(b) *Passing parking or backing emergency vehicles.* — The driver of a vehicle may not pass an emergency vehicle within 100 feet of an entrance ramp of a fire or rescue station when the emergency vehicle is in the process of parking or backing. (An. Code 1957, art. 66½, § 11-1109; 1977, ch. 14, § 2; 2001, ch. 490.)

§ 21-1110. Crossing fire hose.

Unless he has the consent of the fire department official in command, the driver of a vehicle may not drive over any unprotected hose of a fire department that is laid down on any highway or private driveway. (An. Code 1957, art. 66½, § 11-1110; 1977, ch. 14, § 2.)

§ 21-1120. Wearing earphones, headsets, etc., prohibited.

(a) *Earplugs.* — A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears earplugs.

(b) *Headsets.* — A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears a headset.

(c) *Earphones.* — A person may not drive a motor vehicle on any highway or on any private property that is used by the public in general in this State while the person is wearing over or in both ears earphones attached to a radio, tape player, or other audio device.

(d) *Exceptions.* — The provisions of subsections (a), (b), and (c) of this section do not apply to:

(1) A person engaged in the operation of either special construction equipment or equipment for use in the maintenance of any highway;

(2) A person engaged in the operation of refuse collection equipment who is wearing a safety headset or safety earplugs;

(3) A person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to reduce injurious noise levels. However, custom plugs or molds shall be designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle; or

(4) A person wearing a prosthetic device used to aid the hard of hearing.

(e) *Exception for emergency vehicles under emergency conditions.* — (1) The provisions of subsections (a) and (c) of this section do not apply to a person operating an authorized emergency vehicle under emergency conditions.

(2) The provisions of subsection (b) of this section do not apply to a person operating an authorized emergency vehicle:

(i) Under emergency conditions; or

(ii) Who is wearing a headset for the purpose of communicating with other emergency personnel. (1984, ch. 514; 1986, ch. 472, § 1; 1993, ch. 543.)

§ 21-1124. Prohibition against use of wireless communication device while driving by minor holding learner's permit or provisional license.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “9-1-1 system” has the meaning stated in § 1-301 of the Public Safety Article.

(3) “Wireless communication device” means a handheld or hands-free device used to access a wireless telephone service.

(b) *Applicability of section.* — This section does not apply to the use of a wireless communication device:

(1) To contact a 9-1-1 system; or

(2) As a text messaging device as defined in § 21-1124.1 of this subtitle.

(c) *Prohibition.* — An individual who is under the age of 18 years may not use a wireless communication device while operating a motor vehicle.

(d) *Suspension of license.* — (1) If the Administration receives satisfactory evidence that an individual has violated this section, the Administration:

(i) May suspend the individual's driver's license for not more than 90 days; and

(ii) May issue a restricted license for the period of suspension that is limited to driving a motor vehicle:

1. In the course of the individual's employment;

2. For the purpose of driving to or from a place of employment; or

3. For the purpose of driving to or from school.

(2) An individual may request a hearing as provided for a suspension or revocation under Title 12, Subtitle 2 of this article. (2005, chs. 543, 544; 2006, ch. 38; 2007, ch. 5; 2012, chs. 251, 252; 2013, chs. 637, 638.)

Effect of amendments. — Chapters 251 and 252, Acts 2012, effective October 1, 2012, made identical changes. Each rewrote (a)(3); added the (b)(1) designation and added (b)(2); in (b)(1) added “or” at the end; in (c) substituted “An individual” for “A holder of a learner's

instructional permit or a provisional driver's license”; and made related changes.

Chapters 637 and 638, Acts 2013, effective October 1, 2013, made identical changes. Each deleted (d) and redesignated accordingly.

§ 21-1124.2. Communications Traffic Safety Act.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Handheld telephone” means a handheld device used to access wireless telephone service.

(3) “9-1-1 system” has the meaning stated in § 1-301 of the Public Safety Article.

(b) *Exceptions to applicability of section.* — This section does not apply to:

(1) Emergency use of a handheld telephone, including calls to:

(i) A 9-1-1 system;

(ii) A hospital;

(iii) An ambulance service provider;

(iv) A fire department;

- (v) A law enforcement agency; or
- (vi) A first aid squad;
- (2) Use of a handheld telephone by the following individuals when acting within the scope of official duty:
 - (i) Law enforcement personnel; and
 - (ii) Emergency personnel;
- (3) Use of a handheld telephone as a text messaging device as defined in § 21-1124.1 of this subtitle; and
- (4) Use of a handheld telephone as a communication device utilizing push-to-talk technology by an individual operating a commercial motor vehicle, as defined in 49 C.F.R. Part 390.5 of the Federal Motor Carrier Safety Regulations.

(c) *Persons prohibited from use of handheld telephone while driving.* — The following individuals may not use a handheld telephone while operating a motor vehicle:

- (1) A driver of a Class H (school) vehicle that is carrying passengers and in motion; and
- (2) A holder of a learner's instructional permit or a provisional driver's license who is 18 years of age or older.

(d) *Prohibited use of handheld telephone while vehicle is in motion.* — (1) This subsection does not apply to an individual specified in subsection (c) of this section.

(2) A driver of a motor vehicle that is in motion may not use the driver's hands to use a handheld telephone other than to initiate or terminate a wireless telephone call or to turn on or turn off the handheld telephone.

(e) *Penalties.* — (1) A person convicted of a violation of this section is subject to the following penalties:

- (i) For a first offense, a fine of not more than \$75;
- (ii) For a second offense, a fine of not more than \$125; and
- (iii) For a third or subsequent offense, a fine of not more than \$175.

(2) Points may not be assessed against the individual under § 16-402 of this article unless the offense contributes to an accident.

(f) *Penalties — Waiver.* — The court may waive a penalty under subsection (e) of this section for a person who:

- (1) Is convicted of a first offense under this section; and
- (2) Provides proof that the person has acquired a hands-free accessory, an attachment or add-on, a built-in feature, or an addition for the person's handheld telephone that will allow the person to operate a motor vehicle in accordance with this section. (2010, chs. 538, 716; 2013, ch. 43, § 5; chs. 637, 638; 2014, chs. 248, 260.)

Effect of amendments. — Chapter 716, Acts 2010, effective October 1, 2010, added (b)(4); reenacted (c) and (d) without change; and made related changes.

Chapters 637 and 638, Acts 2013, effective October 1, 2013, made almost identical changes. Each deleted (e); ch. 637 was followed for the redesignation of (f) and (g) as (e) and (f).

Other than the discrepancy concerning the redesignation, each in (e)(1)(i) substituted "\$75" for "\$40; and"; in (e)(1)(ii) deleted "or subsequent" after "second" and substituted "of not more than \$125; and" for "of \$100"; added (e)(1)(iii); in (e)(2) deleted "For a first offense under this section" at the beginning; and made related changes.

Chapters 248 and 260, Acts 2014, effective October 1, 2014, made identical changes. Each reenacted the section without change.

Editor's note. — Section 2, ch. 538, Acts 2010, provides that the act shall take effect October 1, 2010.

Section 2, ch. 716, Acts 2010, provides that “this Act shall take effect October 1, 2010, contingent on the taking effect of Chapter 538 (S.B. 321) of the Acts of the General Assembly of 2010, and if Chapter 538 (S.B. 321) does not become effective, this Act shall be null and void without the necessity of further action by the General Assembly.” Senate Bill 321 was enacted as ch. 538, Acts 2010, effective October 1, 2010.

Chapters 538 and 716, Acts 2010, both amended this section. Effect has been given to

both, as ch. 716 amended the section as added by ch. 538.

Section 5, ch. 43, Acts 2013, provides that “the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered incorrect or obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publishers shall adequately describe any such correction in an editor's note following the section affected.” Pursuant to § 5, ch. 43, Acts 2013, “subsection (e)” was substituted for “subsection (f)” in the introductory language of (f).

Subtitle 14. Operation of Vehicles on Certain Toll Facilities.

§ 21-1408. Prohibited turns.

(a) *Making turns in areas where turns prohibited by signs.* — Except at the lawful direction of an authorized employee of the Authority highway, a vehicular turn may not be made in any area where turns are prohibited by signs.

(b) *Making turns at crossovers for emergency vehicles.* — Except at the lawful direction of an authorized employee of the Authority highway, a vehicular turn may not be made at crossovers provided for emergency vehicles. (An. Code 1957, art. 66½, § 11-1406; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 2010, ch. 448.)

Effect of amendments. — Chapter 448, Acts 2010, effective July 1, 2010, substituted “Authority highway” for “vehicular crossing” in (a) and (b).

TITLE 22.

VEHICLE LAWS — EQUIPMENT OF VEHICLES.

Subtitle 1. Scope and Effect of Equipment Provisions.

§ 22-105. Alterations reducing effectiveness of bumpers.

(a) *In general.* — (1) If any Class A (passenger) vehicle, any Class E truck with a manufacturer's rating or registered gross vehicle weight of 18,000 pounds or less, or any Class M (multipurpose) vehicle has been altered in any manner that would reduce the effectiveness of its bumpers or suspension or render the vehicle dangerous in the event of a single vehicle accident or a collision with another vehicle, it may not be operated on any highway in this State.

(2) Nothing in this section may be construed to exempt a vehicle from the application of paragraph (1) of this subsection solely because the vehicle is in compliance with the provisions of subsection (b) of this section.

(b) *Alterations prohibiting operation of vehicle.* — A person may not operate a vehicle on any highway in the State if, as a result of post-manufacture alterations, the height of the vehicle's frame side rails or either of the vehicle's bumpers exceeds:

- (1) In the case of a Class A (passenger) vehicle, 20 inches;
- (2) In the case of a Class M (multipurpose) vehicle, 28 inches;
- (3) In the case of a Class E truck with a manufacturer's rating or registered gross vehicle weight of 10,000 pounds or less, 28 inches; or
- (4) In the case of a Class E truck with a manufacturer's rating or registered gross vehicle weight of more than 10,000 pounds but not more than 18,000 pounds:
 - (i) 30 inches; or
 - (ii) If the truck is used for spraying agricultural crops, 32 inches.

(c) *Regulations.* — The Administration and the Automotive Safety Enforcement Division of the Department of State Police jointly shall adopt regulations relating to bumpers, frame side rails, and vehicle suspensions as necessary to implement and enforce the provisions of this section. (An. Code 1957, art. 66½, § 12-104.1; 1977, ch. 14, § 2; 1984, ch. 508; 1986, ch. 472, § 1; 1989, ch. 298; 1993, ch. 364; 1994, ch. 165, § 3; ch. 166, § 3; 1995, ch. 3, § 2.)

Mismatched bumper height not per se dangerous. — The mere fact that bumper of a truck using a lift kit manufactured by defendant was higher than that of plaintiff's automobile did not render the lift kit "defective" or "unreasonably dangerous." Indeed, the General Assembly plainly contemplated that bumper mismatch between different classes of vehicles is an inevitable occurrence and thus defined only those conditions which would render a vehicle dangerous in the event of a collision. *Beatty v. Trailmaster Prods., Inc.*, 330 Md. 726, 625 A.2d 1005 (1993).

Defective or unreasonably dangerous design not shown. — The trial judge was

correct in granting summary judgment for the defendants where the expert's opinion did not adequately create a genuine issue of material fact that the defendants' lift kit product, either for negligence or strict liability purposes, was foreseeably unsafe, defective, or unreasonably dangerous, notwithstanding the fact that the lift kit device raised the truck's suspension by 4 inches above the original design with the result, as with other bumper mismatches, that it might ride over another vehicle having a lesser bumper height in a collision. *Beatty v. Trailmaster Prods., Inc.*, 330 Md. 726, 625 A.2d 1005 (1993).

Subtitle 2. Lamps and Other Lighting Equipment.

§ 22-217. Spot lamps, fog lamps, and auxiliary driving lamps.

(a) *Spot lamps.* — Any motor vehicle may be equipped with not to exceed one spot lamp. Every lighted spot lamp shall be aimed and used, on approaching another vehicle, so that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle or more than 100 feet ahead of the vehicle.

(b) *Fog lamps.* — Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not more than 30 inches nor less than 12 inches above the level surface on which the vehicle stands, and so aimed that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of 25 feet ahead, project higher than a level of 4 inches below the level of the center of the

lamp from which it comes. Lighted fog lamps meeting these requirements may be used with lower headlamp beams as specified in § 22-222 (a) (2) of this subtitle.

(c) *Auxiliary driving lamps.* — Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height of not more than 42 inches nor less than 16 inches above the level surface on which the vehicle stands. The provisions of § 22-222 of this subtitle apply to any combination of headlamps and auxiliary driving lamps.

(d) *Section not applicable to emergency vehicles.* — The restrictions and limitations of this section do not apply to emergency vehicles. (An. Code 1957, art. 66½, § 12-217; 1977, ch. 14, § 2.)

§ 22-218. Audible and visual signals on vehicles.

(a) *Sirens, exhaust whistles, or bells on emergency vehicles.* — Every emergency vehicle, in addition to any other equipment and distinctive markings required by this subtitle, shall be equipped with a siren, exhaust whistle, or bell capable of giving an audible signal.

(b) *Flashing red lights on emergency vehicles; warning lights on school vehicles.* — (1) Every emergency vehicle, in addition to any other equipment and distinctive markings required by the Maryland Vehicle Law, shall be equipped with signal lamps mounted as high as practicable, which shall be capable of displaying to the front and to the rear a flashing red light or lights. These lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

(2) Every school vehicle meeting the requirements established by the Administrator shall be equipped with alternately flashing warning lights in accordance with the standards adopted under § 22-228 of this subtitle.

(c) *Oscillating, blinking, etc., lights on certain vehicles.* — (1) A person may not drive or move on any highway any vehicle or equipment that is equipped with or displays any light or signal device designed to emit an oscillating, rotating, blinking, or other type of emission of light, unless designated and authorized by the Administrator as indicated in paragraphs (2) through (13) of this subsection. The provisions of this section do not prohibit the display and use of any lighting device that may be permitted or required elsewhere in the Maryland Vehicle Law.

(2) Vehicles of the police department and other city, county, State, or federal law enforcement agencies may be equipped with and display red, white, or blue lights or signal devices.

(3) (i) Vehicles of city, county, State, or federal fire departments or duly constituted volunteer fire departments or rescue squads, or the Maryland Institute for Emergency Medical Services System, may be equipped with or display red and/or white lights or signal devices.

(ii) In each volunteer fire company, no more than five of the following officers may have their privately owned vehicles equipped with red lights or signal devices which may be displayed only while on route to or at the scene of an emergency:

1. The fire chief or the highest ranking fireline officer;
2. One or more of the assistant chiefs or deputy chiefs, whichever rank is second in command; and
3. The emergency medical services commander.

(iii) 1. The fire police of each volunteer fire company may have their privately owned vehicles equipped with red lights or signal devices designed to emit an oscillating, rotating, blinking, or other type of emission of light.

2. The lights or signal devices may be flashed or oscillated or otherwise used only while the vehicle is at the scene of an accident, flood, or other emergency to which the volunteer fire company is responding.

(4) Ambulances may be equipped with or display red, white, or red and white lights or signal devices.

(5) State vehicles used in response to oil or hazardous materials spills may be equipped with or display red and/or white lights or signal devices.

(6) Service vehicles, waste or recycling collection vehicles, rural letter carrier vehicles, slow moving farm vehicles, and tow trucks may be equipped with or display yellow or amber lights or signal devices.

(7) State vehicles designated for emergency use by the Commissioner of Correction may be equipped with or display red lights or signal devices.

(8) A vehicle used to provide public transit service may be equipped with and display:

(i) Amber flashing lights; or

(ii) A white flashing light installed on the roof of the vehicle.

(9) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the blue, red, or white lights or signal devices may be flashed or oscillated or otherwise used only while on route to or at the scene of an emergency, and their use does not relieve an emergency vehicle from otherwise giving an audible warning as required elsewhere in the Maryland Vehicle Law.

(ii) The driver of an emergency vehicle may use flashing lights within 100 feet of the entrance ramp of a fire or rescue station while parking or backing the emergency vehicle.

(iii) The driver of an emergency vehicle of a fire department or rescue squad shall, at the discretion of the officer in charge, flash or oscillate or otherwise use red and white lights or signal devices while stopped, standing, or parked on the roadway at the scene of an emergency.

(10) A stationary emergency vehicle serving as a mobile command unit may be equipped with or display a flashing, blinking, or oscillating green light or signal device to designate the vehicle as the command post.

(11) The yellow or amber lights or signal devices permitted on vehicles under paragraph (6) of this subsection may be flashed or oscillated or otherwise used only in the course of official duties, to indicate to the public that the vehicle is a slow moving vehicle or otherwise is impeding traffic.

(12) (i) An emergency vehicle of any foreign state may be equipped with any lights or signals:

1. As provided by this subsection; or

2. As permitted by the state in which the vehicle is registered.

(ii) 1. The use of any lights or signals permitted under this paragraph is limited to an emergency vehicle, as defined in § 11-118 of this article,

responding to an emergency or pursuing a violator, and equipped with an audible signal as provided in this section.

2. Foreign vehicles, as defined in § 11-124 of this article, which are privately owned by members of volunteer fire companies, ambulance or rescue squads, fire departments, and law enforcement agencies may be equipped with lights or signals as permitted by the state in which the vehicle is registered, but such lights or signals may be used while the vehicle is in this State only by those personnel and under the circumstances authorized under paragraph (3) of this subsection.

(iii) In addition to the penalties provided in Title 27 of this article, any person convicted of a violation of this section may have his driving privileges suspended for a period of 30 days, and the registration of the vehicle may be suspended for a period of 30 days, notwithstanding that the owner of the vehicle may not be the operator at the time of the offense, unless the owner proves to the satisfaction of the Administration that he had no control over the use or display of a light or signal device and could not prevent the violation of this section.

(13) Organ delivery vehicles shall be equipped with or display red, white, or red and white lights or signal devices.

(d) *Police vehicle used as emergency vehicle.* — A police vehicle when used as an emergency vehicle may, but need not be, equipped with the flashing red and/or blue lights specified in this section.

(e) *Flashing lighting not to be used except as authorized.* — Except as provided in subsection (c)(3) of this section, the flashing lighting described in subsections (b) and (c) of this section may not be used on any vehicle other than an emergency vehicle, service vehicle, or school vehicle.

(f) *Drivers to yield right-of-way and stop.* — The use of the signal equipment described in this section imposes on drivers of other vehicles the obligation to yield the right-of-way and stop as required in Title 21 of this article.

(g) *Flashing green lights on taxicabs.* — On taxicabs, the flashing green lights known as emergency hold-up lights may be mounted on the roof or outside rear and front of the vehicle. (An. Code 1957, art. 66½, § 12-218; 1977, ch. 14, § 2; ch. 222; 1980, ch. 779; 1982, ch. 815; 1983, chs. 309, 361; 1994, chs. 374, 663; 1996, ch. 218; 2001, ch. 490; 2002, chs. 19, 515; 2007, ch. 280; 2011, ch. 101; 2014, ch. 406; 2017, chs. 752, 753; 2018, chs. 186, 187, 544, 545.)

Effect of amendments. — Chapter 101, Acts 2011, effective October 1, 2011, substituted “paragraphs (2) through (12)” for “paragraphs (2) through (11)” in the first sentence of (c)(1); added (c)(8); and redesignated accordingly.

Chapter 406, Acts 2014, effective October 1, 2014, reenacted (c)(6) and (c)(11) without change.

Chapters 752 and 753, Acts 2017, effective October 1, 2017, made identical changes. Each in (c)(6) added “waste or recycling collection vehicles”; and reenacted (c)(11) without change.

Chapters 186 and 187, Acts 2018, effective July 1, 2018, made identical changes. Each substituted “(2) through (13)” for “(2) through (12)” in (c)(1); in (c)(4) substituted “red, white, or red and white lights” for “red and/or white lights”; and added (c)(13).

Chapters 544 and 545, Acts 2018, effective October 1, 2018, made identical changes. Each reenacted (c)(6) and (c)(11) without change.

Stated in *Taylor v. Mayor of Baltimore*, 314 Md. 125, 549 A.2d 749 (1988).

Cited in *State v. Cates*, 417 Md. 678, 12 A.3d 116 (2011).

§ 22-227. Special restrictions on lamps.

(a) *Certain lamps other than headlamps, spot lamps, auxiliary lamps, warning lamps, and signals.* — During the times specified in § 22-201.1 of this subtitle, any lighted lamp or illuminating device on a motor vehicle (other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle and service vehicle warning lamps, and school vehicle warning lamps) that projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) *Red or blue light visible from front.* — Except as required or permitted in § 22-218 of this subtitle or in the rules governing the operation of emergency vehicles and school vehicles, a person may not drive or move any vehicle or equipment on any highway with any lamp or device on it that displays a red or blue light visible from directly in front of its center.

(c) *Flashing lights.* — Flashing lights are prohibited except as required or permitted in the Maryland Vehicle Law.

(d) *White light visible from rear.* — Except as authorized elsewhere in this subtitle, a person may not drive or move any vehicle or equipment on any highway with any lamp or device on it that displays a white light visible directly from its rear.

(e) *Driving or moving vehicle displaying flashing light.* — Except as authorized elsewhere in this subtitle, a person may not drive or move any vehicle or equipment on any highway while the vehicle or equipment displays any flashing light.

(f) *Color of lights on rear of vehicle.* — All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stoplight or other signal device, which may be red, amber, or yellow, and except that the light illuminating the registration plate shall be white and the light emitted by a backup lamp shall be white or amber. (An. Code 1957, art. 66½, § 12-227; 1977, ch. 14, § 2.)

*Subtitle 4. Other Equipment.***§ 22-401. Horns and warning devices.**

(a) *Adequacy of horns.* — Every motor vehicle when operated on a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle.

(b) *When to be used.* — The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn, but may not otherwise use the horn when on a highway.

(c) *Sirens, whistles, and bells prohibited.* — No vehicle may be equipped with nor may any person use on a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(d) *Theft alarm signal device.* — It is permissible, but not required, that any vehicle be equipped with a theft alarm signal device that is so arranged that it cannot be used by the driver as an ordinary warning signal.

(e) *Sirens, whistles, or bells on emergency vehicles.* — Every emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. However, the siren may not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach of the vehicle. (An. Code 1957, art. 66½, § 12-401; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 1999, ch. 645.)

Necessity for sounding horn. — This section does not obligate the overtaking driver to sound his horn in every case but only when it appears reasonably necessary. *Bratton v. Smith*, 256 Md. 695, 261 A.2d 777 (1970).

There is no duty on the part of the overtaking motorist to sound his horn when there is no apparent necessity to do so, i.e., when the overtaken vehicle is proceeding in his own lane and leaving sufficient clearance for the overtaking vehicle to pass. *Bratton v. Smith*, 256 Md. 695, 261 A.2d 777 (1970).

Circumstances of each case control. — Whether blowing one's horn is "reasonably necessary to insure safe operation" depends upon the circumstances of each case. *Sweeney v. United States*, 125 F. Supp. 864 (D. Md. 1954);

Smith v. Associated Transp., Inc., 211 Md. 134, 126 A.2d 584 (1956).

Alleys. — Automobiles proceeding through alleys are not required to sound their horns every time they approach an open door or gate giving onto the alley. *Sweeney v. United States*, 125 F. Supp. 864 (D. Md. 1954).

No obligation to sound horn when approaching oncoming vehicle. — An oncoming motorist traveling northerly in the northbound lane has no obligation to sound his horn as he approaches a cyclist traveling in a southerly direction in the southbound lane. *Leonard v. Bratcher*, 258 Md. 186, 265 A.2d 246 (1970).

Negative evidence that horn was not blown. — See *Sudbrook v. State ex rel. State Accident Fund*, 153 Md. 194, 138 A. 12 (1927).

§ 22-404.1. Display of emblems and signs.

(a) *Prohibited.* — A person may not display on a motor vehicle the insignia or emblem of any motor vehicle club or similar organization, or of a fire company, unless he is entitled to use the same under the constitution, bylaws, rules, or regulations of the club or organization.

(b) *Display creating hazard to safety.* — A person may not display on a motor vehicle any sign that, in the judgment of the Administration, may tend to create a hazard to safety. (An. Code 1957, art. 66½, § 12-404.1; 1977, ch. 14, § 2; 1986, ch. 472, § 1.)

§ 22-404.3. Identification of certain vehicles.

(a) *In general.* — Every truck, truck tractor, and bus operated on highways in this State, except as provided in subsection (b) of this section, shall be identified with the name or trade name of its owner, operator, or lessee and shall display:

- (1) A United States Department of Transportation number; or
- (2) The number issued by a State agency.

(b) *Exceptions.* — This section does not apply to the following if operated intrastate only:

- (1) Vehicles registered as:

- (i) Farm trucks under § 13-921 of this article;
- (ii) Farm truck tractors under § 13-924 of this article; or
- (iii) Farm area motor vehicles under § 13-935 of this article;
- (2) Trucks registered at 10,000 pounds capacity or less;
- (3) Emergency vehicles;
- (4) Vehicles used primarily to transport money or commercial paper;
- (5) Vehicles owned or operated by the State or any political subdivision of the State; or
- (6) Vehicles operating within 15 days from the date of purchase.

(c) *Compliance with regulations.* — The display of identification required by this section shall comply with the regulations promulgated by the federal Motor Carrier Safety Administration relating to vehicles operating interstate, as codified in 49 C.F.R., Part 390.21.

(d) *Additional identification required by other laws not prohibited.* — This section does not prohibit the display of any additional identification required by other laws of this State or any other state, or by any agency or department of the federal government. (An. Code 1957, art. 66½, § 12-404.3; 1977, ch. 14, § 2; 1978, ch. 261; 1986, ch. 472, § 1; 1987, ch. 159; 1996, ch. 255; 1998, ch. 653; 2001, ch. 348; 2008, ch. 36, § 6.)

§ 22-404.4. Identification decals for propane fueled vehicles.

(a) *Requirement.* — A person who operates on any public road a motor vehicle that is registered in this State is subject to the provisions of this section.

(b) *Issuance; design; placement.* — (1) Each motor vehicle that is operated on any public road and powered by propane fuel shall be identified by vehicle identification decals issued by the Office of the Fire Marshal or from a propane industry source.

(2) The vehicle identification decal required by this section shall be a diamond shaped design consisting of the word “propane” in silver scotchlite letters 1 inch high on a black background with a silver scotchlite border.

(3) The vehicle identification decal shall be attached to the left front and right rear bumper of the vehicle.

(c) *Fee.* — The Office of the Fire Marshal or propane industry source that issues the vehicle identification decal shall charge a fee for the issuance of a vehicle identification decal not to exceed the reasonable cost of preparation and distribution.

(d) *Penalty for violation of section.* — A person convicted of a violation of this section is subject to a fine of \$250. (1983, ch. 229; 2017, ch. 55.)

REVISOR'S NOTE

Subsection (d) of this section is new language derived without substantive change from former § 27-106(a) of this article.

Effect of amendments. — Chapter 55, Acts 2017, effective October 1, 2017, added (d).

§ 22-404.5. Power booster systems prohibited; exceptions.

(a) *“Power booster system” defined.* — In this section, “power booster system” means any device installed in a motor vehicle which allows liquid nitrous oxide to combine with gasoline for the purpose of increasing engine power.

(b) *Use prohibited.* — Except as provided in subsection (c) of this section, a person may not operate on a highway a motor vehicle equipped with a power booster system.

(c) *Exceptions.* — A person may operate on a highway a motor vehicle equipped with a power booster if:

(1) The vehicle is enroute to or from a track where the vehicle is used for racing and the power booster system is inoperative; or

(2) The container of nitrous oxide has been removed from the vehicle.

(d) *Identification decal.* — Every motor vehicle equipped with a power booster system shall be identified with a decal that:

(1) Is a diamond shaped design consisting of the words “Compressed Gas D.O.T. No. 1070” in silver scotchlite letters 1 inch high on a black background with a silver scotchlite border;

(2) Is issued by the Office of the Fire Marshal or from a nitrous oxide industry source; and

(3) Is attached to the left front and right rear bumper of the vehicle.

(e) *Regulations authorized.* — The Office of the Fire Marshal may adopt regulations necessary to carry out the provisions of this section.

(f) *Fee for decal.* — The Office of the Fire Marshal or nitrous oxide industry source that issues the vehicle identification decal may charge a fee for the issuance of a vehicle identification decal not to exceed the reasonable cost of preparation and distribution.

(g) *Penalty for violation of section.* — A person convicted of a violation of this section is subject to a fine not exceeding \$1,000. (1989, ch. 299, § 2; 2017, ch. 55.)

REVISOR'S NOTE

Subsection (g) of this section is new language derived without substantive change from former § 27-109 of this article.

Effect of amendments. — Chapter 55, Acts 2017, effective October 1, 2017, added (g).

§ 22-412.4. Seat belts or restraining devices in emergency vehicles.

(a) *Definitions.* — (1) In this section the following words have the meanings indicated.

(2) “Seat belt” means a restraining device described under § 22-412 of this subtitle.

(3) “Vehicle” means an emergency vehicle purchased or leased by the State, a county, municipality, or volunteer fire department or rescue squad and operated by a:

- (i) State, county, or municipal fire department;
- (ii) Volunteer fire department; or
- (iii) Rescue squad.

(b) *Required.* — A vehicle registered in the State and manufactured and assembled after January 1, 1990 shall be equipped with a seat belt or safety restraining device approved by the local authority having jurisdiction for each position on the vehicle that may be lawfully occupied by a passenger.

(c) *Failure to use; evidence; civil actions.* — (1) The failure of a person to use a seat belt or restraining device required under this section may not:

- (i) Be considered evidence of negligence;
- (ii) Be considered evidence of contributory negligence;
- (iii) Limit liability of a party or an insurer;
- (iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle; or
- (v) Be considered a moving violation for purposes of § 16-402 of this article.

(2) Subject to the provisions of paragraph (3) of this subsection, a party, witness, or counsel may not make reference to a seat belt during a trial of a civil action that involves property damage, personal injury, or death if the damage, injury, or death is not related to the design, manufacture, installation, supplying, or repair of a seat belt required under this section.

(3) (i) Nothing contained in this subsection may be construed to prohibit the right of a person to institute a civil action for damages against a dealer, manufacturer, distributor, factory branch, or other appropriate entity arising out of an incident that involves a defectively installed or defectively operating seat belt.

(ii) In a civil action in which 2 or more parties are named as joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and 1 of the joint tort-feasors or defendants is not involved in the design, manufacture, installation, supplying, or repair of a seat belt, a court shall order separate trials to accomplish the ends of justice on a motion of any party. (1989, ch. 435; 1990, ch. 6, § 2; 2012, ch. 66, § 6.)

Editor’s note. — Pursuant to § 6, ch. 66, Acts 2012, (a)(2) and (a)(3) were redesignated for purposes of alphabetical order.

Quoted in *United States v. Streidel*, 329 Md. 533, 620 A.2d 905 (1993).

§ 22-414. Transmission or reception of information.

(a) *In general.* — A motor vehicle driven on a highway in this State may not be equipped with television-type receiving equipment that is turned on and displaying an image visible to the driver.

(b) *Exceptions.* — This section does not prevent:

(1) The use of television-type receiving equipment in a vehicle exclusively for safety or law enforcement purposes, as approved by the Department of State Police;

(2) The use in a vehicle of equipment used exclusively for alphanumeric data and text transmission and reception; or

(3) The use in a vehicle of electronic display equipment:

(i) Used in conjunction with:

1. A vehicle navigation system; or

2. Broadcast and satellite radio system graphics; or

(ii) Displaying information or images related to the operation or safety of a motor vehicle. (An. Code 1957, art. 66½, § 12-414; 1977, ch. 14, § 2; 1989, ch. 420; 1994, ch. 165, § 3; ch. 166, § 3; ch. 446; 1995, ch. 3, § 2; 2010, ch. 539.)

Effect of amendments. — Chapter 539, Acts 2010, effective October 1, 2010, substituted “that is turned on and displaying an image” for “in front of the back of the driver’s seat or otherwise” in (a); and rewrote (b)(3).

§ 22-414.1. Video display equipment.

(a) *“Video display equipment” defined.* — In this section, “video display equipment” means equipment capable of displaying a dynamic visual image, other than text, from a digital video disc or other storage device.

(b) *In general.* — Except as provided in subsection (c) of this section, a motor vehicle driven on a highway in the State may be equipped with video display equipment only if the video display equipment is turned off when the screen on the video display equipment is visible to the driver.

(c) *Exceptions.* — This section does not apply to equipment on a vehicle used by a public service company. (2010, ch. 539.)

Editor’s note. — Section 2, ch. 539, Acts 2010, provides that the act shall take effect October 1, 2010.

Subtitle 6. Noise Abatement Program.

§ 22-604. Motor vehicle operation — Exemption of emergency vehicles.

When an emergency vehicle is operating under the provisions of § 21-106 of this article, it is exempt from the sound level limits established under § 22-601 of this subtitle for the operation of vehicles. (An. Code 1957, art. 66½, § 12-701; 1977, ch. 14, § 2.)

TITLE 23.

VEHICLE LAWS — INSPECTION OF USED VEHICLES AND WARNINGS FOR DEFECTIVE EQUIPMENT.

*Subtitle 2. Motor Vehicle Emissions Inspection.***§ 23-206.1. Exemption of ambulances.**

Notwithstanding any rule or regulation to the contrary and unless otherwise prohibited by federal law, any fire or rescue apparatus or ambulance owned or leased by a political subdivision of the State, or by a volunteer fire company, rescue squad, or volunteer ambulance company, that is registered as an emergency vehicle as defined in § 11-118 of this article, is exempt from mandatory inspections under this subtitle. (1983, ch. 549; 1988, ch. 108; 1989, ch. 5, § 1; 1991, ch. 467, § 1; 1995, ch. 489.)

TITLE 25.

VEHICLE LAWS — RESPECTIVE POWERS OF STATE AND LOCAL AUTHORITIES; DISPOSITION OF ABANDONED VEHICLES.

*Subtitle 1. Powers of State and Local Authorities.***§ 25-102. Powers of local authorities.**

(a) *Enumeration of powers.* — The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

- (1) Subject to the provisions of § 21-1003.1 of this article, regulating or prohibiting the stopping, standing, or parking of vehicles;
- (2) Regulating traffic by means of police officers or traffic control devices;
- (3) Regulating or prohibiting processions or assemblies on highways;
- (4) Designating particular highways or separate roadways as one-way highways and requiring that all vehicles on them move in one specified direction;
- (5) Regulating the speed and weight of vehicles in public parks;
- (6) Designating any highway as a through highway or designating any intersection as a stop intersection or a yield intersection;
- (7) Restricting the use of highways as provided in Title 24 of this article;
- (8) Regulating the operation of bicycles, requiring them to be registered, and imposing a registration fee;
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
- (10) Altering speed limits as provided in Title 21, Subtitle 8 of this article;
- (11) Regulating through truck traffic and prohibiting trucks from using any highway or alley that is not designated or maintained as a part or extension of the State or federal highway system, provided the local authority has designated an adequate alternate route for diverted truck traffic;

(12) Adopting any other traffic regulations as specifically authorized in the Maryland Vehicle Law;

(13) Regulating taxi stands, including taxi stands in the middle of a block;

(14) (i) 1. Subject to item 2 of this item, except in Allegany County and Garrett County, designating a certain portion of highways upon which snowmobiles may travel for the sole purpose of gaining access to snowmobile trails; but

2. Designating only those highways which divide snowmobile trails and which would otherwise obstruct direct access between snowmobile trails; and

(ii) In Allegany County and Garrett County:

1. Authorizing a person to:

A. Cross a highway on an all-terrain vehicle or a snowmobile at a right angle at a speed of not more than 25 miles per hour; or

B. Operate an all-terrain vehicle or a snowmobile on not more than 2 miles of highway at a speed of not more than 25 miles per hour; and

2. Designating a certain portion of highways upon which all-terrain vehicles and snowmobiles may travel at a speed of not more than 25 miles per hour for the sole purpose of gaining access to:

A. Trails on which the operation of an all-terrain vehicle or a snowmobile is authorized;

B. Fields; or

C. Another area where the operation of an all-terrain vehicle or a snowmobile is authorized;

(15) Requiring a motorized minibike to be permitted by the local authority, and imposing a permit fee;

(16) In Allegany County, designating crossings on county highways where a person operating a golf cart may cross the highway for continued access to any portion of a golf course;

(17) Restricting use of a low speed vehicle on a highway;

(18) Authorizing an emergency vehicle not subject to registration to operate on a highway while performing an emergency service as defined in § 19-103 of this article; and

(19) Authorizing a person to cross a highway on an all-terrain vehicle at a right angle to access a farm or to move from one part of a farm to another part of the same farm.

(b) *Approval required for certain stop signs or traffic control signals.* —

(1) Unless it first obtains written approval from the State Highway Administration, a local authority may not place or maintain any stop sign or traffic control signal that requires the traffic on any State highway to stop before entering or crossing any intersecting highway.

(2) Unless it first obtains written permission from the State Highway Administration, a local authority may not place or maintain lighting along or at an intersection with a State highway.

(c) *Necessity for signs.* — An ordinance or regulation adopted under subsection (a)(4), (5), (6), (7), or (10) of this section is not effective until a traffic control device giving notice of the local traffic regulations is placed on or at the

entrances to the highway or its affected part. (An. Code 1957, art. 66½, § 15-102; 1977, ch. 14, § 2; ch. 460; 1981, ch. 682; 1982, ch. 428; 1985, ch. 592; 1994, chs. 216, 276; 1999, ch. 82; 2005, ch. 366; 2006, ch. 562, § 2; 2012, ch. 406; 2013, ch. 632; 2014, ch. 241; 2015, ch. 281; 2017, ch. 694, § 2; 2018, ch. 12, § 1; chs. 165, 166; 2019, ch. 227.)

Effect of amendments. — Chapter 406, Acts 2012, effective October 1, 2012, deleted “or roadways” after “highways” or variants throughout (a)(14); in the first sentence of (a)(14)(i) and in (a)(14)(ii) deleted “which have been designated by the Department of Natural Resources” at the end; in the second sentence of (a)(14)(i) added “by the local authority.”

Chapter 632, Acts 2013, effective October 1, 2013, added (a)(18) and made related changes.

Chapter 241, Acts 2014, approved April 14, 2014, and effective from date of enactment, reenacted (a)(17) without change.

Chapter 281, Acts 2015, effective June 1, 2015, added (a)(19) and made related changes.

Section 2, ch. 694, Acts 2017, effective October 1, 2017, rewrote (a)(14).

Section 1, ch. 12, Acts 2018, approved April 5, 2018, and effective from date of enactment, in (c) substituted “subsection (a)(4)” for “items (4)”, and deleted “subsection (a) of” preceding “this section.”

Chapters 165 and 166, Acts 2018, effective October 1, 2018, made identical changes. Each added “Allegany County and” in (a)(14)(i)1 and the introductory language of (a)(14)(ii).

Chapter 227, Acts 2019, effective October 1, 2019, reenacted (a)(8) without change.

Editor’s note. — Section 4, ch. 12, Acts 2018, provides that “the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.”

Maryland Law Review. — For article, “Bothersome Boulevards,” see 26 Md. L. Rev. 111 (1966).

Basis for city’s abandoned vehicle provisions. — Section sets forth original grant of authority on which city’s abandoned vehicle provisions are based. See *Huemmer v. Mayor of Ocean City*, 474 F. Supp. 704 (D. Md. 1979).

Police officers escorting motorcycle charity rides. — Police officers may operate in “emergency status” and disregard the normal rules of the road when providing escorts for motorcycle charity rides, and local police officers may participate in escort duty outside of their home jurisdictions. When doing so, local police officers can take certain actions necessary to perform and return from the escort duty, but they cannot make arrests or issue citations for violations of the traffic laws. 99 Op. Att’y Gen. 50 (July 17, 2014).

TITLE 27.

VEHICLE LAWS — PENALTIES; DISPOSITION OF FINES AND FORFEITURES.

§ 27-101. Misdemeanor — Penalties; exceptions.

(a) *General consideration.* — A person who violates a provision of the Maryland Vehicle Law is guilty of a misdemeanor unless the violation:

- (1) Is a felony under the Maryland Vehicle Law; or
- (2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) *Penalty for misdemeanor.* — Except as otherwise provided in the Maryland Vehicle Law, a person convicted of a misdemeanor for a violation of a provision of the Maryland Vehicle Law is subject to a fine not exceeding \$500. (2017, ch. 55.)

REVISOR’S NOTE

This section is new language derived without substantive change from former § 27-101(a) and (b) of this article.

In subsection (a)(1) of this section, the reference to “any other law of this State” is deleted as unnecessary because no other State law

makes a violation of the Maryland Vehicle Law a felony.

In subsection (b) of this section, the reference to “the Maryland Vehicle Law” is substituted for the former reference to “this section” to reflect the revision of former § 27-101(c) through (m) and (o) through (gg) in the appropriate sections of the Maryland Vehicle Law.

Former § 27-101(n) of this article is deleted as unnecessary in light of the reorganization by this Act of the penalties for violations of the Maryland Vehicle Law.

The balance of former § 27-101 of this article is revised as follows:

Subsection (c)(1) is revised in § 12-301 of this article.

Subsection (c)(2) is revised in § 14-102 of this article.

Subsection (c)(3) is revised in § 14-104 of this article.

Subsection (c)(4) is revised in § 14-107 of this article.

Subsection (c)(5) is revised in § 14-110 of this article.

Subsection (c)(6) is revised in § 15-312 of this article.

Subsection (c)(7) is revised in § 15-313 of this article.

Subsection (c)(8) is revised in § 15-314 of this article.

Subsection (c)(9) is revised in § 15-402 of this article.

Subsection (c)(10) is revised in § 16-113 of this article.

Subsection (c)(11) is revised in § 16-301 of this article.

Subsection (c)(12) is revised in § 20-103 of this article.

Subsection (c)(13) is revised in § 20-104 of this article.

Subsection (c)(14) is revised in § 20-105 of this article.

Subsection (c)(15) is revised in § 20-108 of this article.

Subsection (c)(16) is revised in § 21-206 of this article.

Subsection (c)(17) and (18) is revised in § 21-502 of this article.

Subsection (c)(19) and (20) is revised in § 21-902 of this article.

Subsection (c)(21) is revised in § 21-902.1 of this article.

Subsection (c)(22) is revised in § 21-10A-07 of this article.

Subsection (c)(23) is revised in § 21-902.2 of this article.

Subsection (d)(1) is revised in § 18-104 of this article.

Subsection (d)(2) is revised in § 22-405.1 of this article.

Subsection (d)(3) is revised in § 22-415 of this article.

Subsection (d)(4) is revised in § 23-109 of this article.

Subsection (d)(5) is revised in § 15-515 of this article.

Subsection (e) is revised in § 21-1411 of this article.

Subsection (f)(1)(i) is revised in § 14-103 of this article.

Subsection (f)(1)(ii), (2), (3), and (4) is revised in § 21-902 of this article.

Subsection (g)(1) is revised in § 13-704 of this article.

Subsection (g)(2) is revised in § 21-706 of this article.

Subsection (g)(3) is revised in § 21-901.1 of this article.

Subsection (h) is revised in §§ 16-113, 16-303, 17-107, and 17-110 of this article.

Subsection (i) is revised in §§ 15-402 and 15-502 of this article.

Subsections (j) and (k) are revised in § 21-902 of this article.

Subsection (l) is revised in §§ 22-409, 23-403, 24-111, 24-111.1, and 25-111 of this article.

Subsection (m) is revised in § 21-802.1 of this article.

Subsection (o) is revised in § 21-102 of this article.

Subsection (p) is revised in § 21-904 of this article.

Subsection (q) is revised in § 21-902 of this article.

Subsection (r) is revised in § 21-803.1 of this article.

Subsection (s)(1) and (2) is revised in § 16-808 of this article.

Subsection (s)(3) is revised in § 16-813.1 of this article.

Subsection (t) is revised in §§ 16-807 and 16-815 of this article.

Subsection (u) is revised in § 24-112 of this article.

Subsection (v) is revised in § 15-302 of this article.

Subsection (w) is revised in § 21-1003 of this article.

Subsection (x) is revised in § 21-902 of this article.

Subsection (y) is revised in § 16-101 of this article.

Subsection (z) is revised in §§ 21-1126 and 21-1127 of this article.

Subsection (aa) is revised in § 22-611 of this article.

Subsection (bb) is revised in § 24-107 of this article.

Subsection (cc) is revised in §§ 12-301 and 16-301 of this article.

Subsection (dd) is revised in § 21-1128 of this article.

Subsection (ee) is revised in § 21-1116 of this article.

Subsection (ff) is revised in § 15-311.2 of this article.

Subsection (gg) is revised in § 16-303 of this article.

Editor's note. — Section 5, ch. 55, Acts 2017, provides that the act shall take effect October 1, 2017.

Chapters 55, 345, and 488, Acts 2017, affect § 27-101 of this article. Chapter 55 repealed former § 27-101 and enacted a new section in lieu thereof; chs. 345 and 488 reenacted subsections of the former section without change.

Filing notice of intent to seek enhanced penalties does not divest district court of jurisdiction. — Because notices of intent to seek enhanced penalties were not filed until after criminal informations were filed in the circuit court, when those informations were filed defendant was not yet eligible for an enhanced penalty, and neither case satisfied the threshold for concurrent jurisdiction in the circuit court; therefore, jurisdiction remained in the district court, and because the informations were filed in a court that lacked jurisdiction, the circuit court's actions had no legal effect. *Fielding v. State*, 238 Md. App. 262, 189 A.3d 871 (2018).

Enhanced penalty. — State's filing of notices of intent to seek enhanced penalties did

not and could not have divested the district court of jurisdiction over driving under the influence charges because there was no prayer for jury trial, all charges were within the district Court's jurisdiction, and the charges were not within the concurrent jurisdiction of the district court and the circuit court; there was no reference in the statute to the State's filing of a notice of intent to seek enhanced penalties. *Fielding v. State*, 238 Md. App. 262, 189 A.3d 871 (2018).

Jurisdiction. — Circuit court erred in denying defendant's motion to dismiss because the district court had exclusive original jurisdiction over the charge of driving under the influence since it was both a violation of the vehicle laws and a misdemeanor; the filing of the criminal informations in the circuit court could not have divested the district court of its jurisdiction because at that time defendant did not meet the threshold for concurrent jurisdiction in the circuit court. *Fielding v. State*, 238 Md. App. 262, 189 A.3d 871 (2018).

§ 27-101.2. False statement on affidavit of lawful possession or application for a certificate of authority.

Repealed by Acts 2017, ch. 55, effective October 1, 2017.

§ 27-105. Penalties for certain weight violations.

Repealed by Acts 2017, ch. 55, § 1, effective October 1, 2017.

REVISOR'S NOTE

Former § 27-105 of this article is revised in § 24-401 of this article.

RULES AND REGULATIONS

The *Code of Maryland Regulations* is published by the Division of State Documents, 16 Francis Street - Jeffrey Building Annapolis, Maryland 21401.

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 03 FIRE-RESCUE EDUCATION AND TRAINING COMMISSION

Chapter 01 Certification Standards and Procedures for Emergency Services Instructors

Authority: Education Article, Sec. 11-105 and 11-503, Annotated Code of Maryland

.01 Incorporation by Reference.

A. In this chapter, the following document is incorporated by reference.

B. Document Incorporated. National Fire Protection Association (NFPA) 1041: Standard for Fire Service Instructor Professional Qualifications 2012 Edition is incorporated by reference.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Application process" means the date the Application for State Emergency Services Instructor Certification or Recertification is received from the sponsoring agency by the MICRB.

(2) "Approval" means approval as statutorily applied to the Maryland Fire-Rescue Education and Training Commission (MFRETC) as an agency of the Maryland Higher Education Commission (MHEC), under Education Article, § 11-105, Annotated Code of Maryland, before a postsecondary institution can award a certificate, diploma, or degree to an individual.

(3) "Certification" means to verify that an individual has met the requirements of these standards.

(4) "Emergency services" means fire, rescue, and emergency medical services, with emergency medical services also meaning "emergency care" as related to training.

(5) "Field evolutions" means a structured training exercise designed to complete a specific training objective.

(6) "Local emergency services instructor" means an individual who is designated to instruct by the local jurisdiction.

(7) “Local jurisdiction” means any city, county, municipal, or State government, public fire-rescue or emergency medical services department, State-approved public school, or postsecondary institution providing emergency services training or education, and other institutions as approved by the Maryland Instructor Certification Review Board (MICRB).

(8) “Maryland Instructor Certification Review Board (MICRB)” means an independent five-member board created as a unit within the University System of Maryland which is responsible for the administration of the Emergency Services Instructor Certification Program and the issuance of certificates under that program.

(9) “Sponsoring agency” means a local jurisdiction submitting a candidate for certification.

(10) “State emergency services instructor” means an individual who is certified to be an emergency services instructor by the MICRB.

(11) “Supporting services” means nonteaching support rendered in the emergency services area, usually in an administrative or communication capacity in the career or volunteer service.

(12) “Training supervisor” means an individual who is a MICRB certified State emergency services instructor and who directly supervises certified State emergency services instructors on a full-time basis.

.03 Instructor Certification Standard Level II.

A. The objective of this certification system is to provide the emergency services of the State with a competent instructor. When certified, the instructor shall provide instruction and training in one or more of the emergency services disciplines.

B. Advanced life support program coordinators and medical directors functioning under COMAR 30.04 shall ensure that individuals providing instruction as faculty have appropriate educational credentials in addition to subject matter expertise. In addition, MIEMSS shall ensure that educational program faculty qualifications are consistently applied Statewide via the Advanced Life Support Educational Program approval process.

C. Instructor certification is granted by the Maryland Instructor Certification Review Board.

D. The State emergency services instructor standards apply to faculty employed by a public or private postsecondary institution, including degree-granting institutions teaching credit courses in emergency services programs whose students are to be qualified as emergency services personnel serving the public.

E. Six Sequential Stages of Instructor Candidate System.

(1) Expression of Interest.

(a) This first stage identifies emergency service personnel who meet specific entry level criteria and indicate their interest in the program to a sponsoring agency as defined in Regulation .02B of this chapter.

(b) The candidate shall:

(i) Be 21 years old or older;

(ii) Have a high school diploma or general education diploma (GED) verified by the sponsoring agency;

(iii) Have 3 years experience in the emergency services;

(iv) Possess the ability to perform all tasks required for the teaching;

and

(v) Complete an approved training program in the area of instruction.

(2) Selection Process. The MICRB recognizes the need for a candidate selection process. The sponsoring agency is encouraged to use the means it considers appropriate in assessing candidate eligibility. While the development and use of a screening mechanism is the responsibility of the sponsoring agency, it is suggested that the process provide a means of assessing the candidate's field knowledge, reading comprehension, verbal ability, mathematical ability, and mechanical aptitude.

(3) Instructor Training.

(a) The approved instructor training program consists of sequential instruction and is designed to impart knowledge and skills necessary for the candidate to perform duties as an instructor. The scope of the training shall include instructor roles and responsibilities, lesson planning, domains of learning, learning styles, goals and objectives, communication skills, diversity, legal issues, student evaluation, and basic course designs. Evaluation shall be accomplished by written examinations and instructor performance evaluations.

(b) The instructor training program shall fulfill the professional requirements and qualifications in Regulations .13 and .14 of this chapter, as taught by an instructor trainer approved by the MICRB. The course shall also include examinations at mid-course and at the end of the course, performance evaluations, and one term project to be completed before the end of the course. The MICRB may consider credentials of a degreed applicant verified by a sponsoring agency as having completed this requirement. Evidence of academic achievement in the field of education (adult education preferred) shall be submitted to the MICRB.

(c) The instructor candidate may fulfill the instructor training requirement by completing a nationally recognized instructor training course approved by the MICRB.

(4) Skills Development.

(a) When a candidate successfully completes instructor training, the sponsoring agency shall conduct a skills development program. A date, place, and time shall be planned and a program shall be coordinated.

(b) This program shall:

(i) Be at least 12 hours;

(ii) Be designed to unite practical instruction to specific field evolutions; and

(iii) Afford an opportunity to demonstrate performance instruction techniques.

(c) The instructional period shall be planned and supervised by certified instructors who may be primarily responsible for the particular discipline or specialty.

(d) The training is to be specialized.

(e) Performance evaluations are to be conducted and provided to the instructor candidate.

(5) Practice Teaching.

(a) The candidate, after successful completion of skills development, is required to practice teach a minimum of two 3-hour sessions or classes which include one cognitive information session and one practical skill session, and shall receive a satisfactory evaluation for each class. The teaching shall be performed under the continuous direct supervision of a certified State emergency services instructor. A certified State emergency services instructor approved as an evaluator shall perform the evaluation of this training.

(b) Practice teaching provides the instructor candidate with an opportunity to teach, following instructor training, under actual conditions. This on-the-job instruction consists of two 3-hour segments as described in § E(5)(a) of this regulation and shall be evaluated by an approved MICRB evaluator pursuant to Regulation .09B of this chapter. To ensure that the practice instruction is of the highest possible quality and is meeting the lesson objectives, a three-step process shall be used for evaluation purposes, which consists of observation, written evaluation, and a supervisory conference.

(6) Interim Student Teaching.

(a) Interim student teaching provides the instructor candidate an opportunity to teach a complete course of instruction with some supervision. During this stage, two evaluations shall be made by MICRB-approved evaluators or instructor trainers approved by the MICRB. The completed evaluations shall become part of the total certification requirements.

(b) The candidate shall teach a minimum of 60 clock hours and receive two consecutive satisfactory evaluations from two different MICRB-approved evaluators or instructor trainers approved by the MICRB. Each evaluator shall be from a local jurisdiction or sponsoring agency different from the other.

F. Application for Certification.

(1) After the teaching assignment is completed, each candidate's file shall be reviewed by the sponsoring agency representative, who shall make appropriate recommendations based upon the evaluation of the completion of the six stages.

(2) Application Process.

(a) To be considered for certification, the candidate shall submit an application for certification through the sponsoring agency to the MICRB on the form prescribed by the MICRB.

(b) A candidate shall complete the application process within 5 years of completion of an MICRB-approved instructor training course.

(c) If a candidate has completed the instructor training course between 5 and 10 years before beginning the application process, the candidate shall, in addition to the prescribed initial certification requirements, complete within 3 years of submitting their application 12 hours of approved instructor methodology as a corequisite to the initial completion process.

(d) If a candidate has completed the instructor training course more than 10 years before beginning the application process, the candidate shall be required to successfully complete:

(i) A current, MICRB-approved instructor training program; or

(ii) The Instructor Training Course Challenge process, as outlined in MICRB's policy on Instructor Training Course Challenge Criteria.

G. Term of Certification.

(1) State emergency services instructor certificates are valid for a period of 3 years from the date of approval by the MICRB.

(2) The sponsoring agency or employer, or both, shall determine what subject matter the State emergency services instructor is qualified to teach.

H. Recertification Process. The following process is to ensure that instructors continue to use up-to-date methods and information:

(1) Recertification shall be based on a 3-year cycle;

(2) The instructor shall teach a minimum of 60 hours during the 3-year period, or if a training supervisor, teach a minimum of 3 hours;

(3) The instructor or training supervisor shall receive a satisfactory teaching evaluation and no subsequent unsatisfactory evaluation from an approved MICRB evaluator during the 3-year period; and

(4) The instructor or training supervisor shall successfully complete 12 hours of professional development or continuing education in instructional methodology or training safety. A maximum of 6 hours of approved professional development can be in the area of training safety within the 3-year period.

I. Procedure for Reentering after Failing to Recertify.

(1) The following procedures are required for an individual who fails to recertify and wishes to reenter the teaching program within 3 years of the expiration of the individual's certification:

(a) The candidate shall submit correspondence to the sponsoring agency asking to reenter;

(b) As a minimum, the candidate shall have successfully completed all the requirements as listed in § H(2)-(4) of this regulation within 3 years before the date of the application for reentry and shall receive a satisfactory teaching evaluation before the application may be submitted to the MICRB; and

(c) The sponsoring agency shall submit a recommendation with the application to reenter, and the MICRB shall review the information submitted by the sponsoring agency and take appropriate action.

(2) An individual who has a certification lapse in excess of 3 years is required to meet initial certification requirements.

.04 Certification Standard Instructor Trainer.

A. The candidate shall document instructional experience and formal education.

B. Educational Requirements.

(1) To become certified as an emergency service instructor trainer in Maryland, an individual shall have completed:

(a) A baccalaureate or graduate degree in education or a related field from an accredited college or university;

(b) A teaching internship; and

(c) 3 years of teaching experience, which shall be documented as evidence of competence.

(2) Within the degree, or in addition to the degree, courses that cover the following topics are required:

(a) **Methods of Teaching:** using various teaching methodologies, such as demonstration, illustrated lecture, discussion, discovery learning, and group activities;

(b) **Classroom Management:** organizing the learning environment (inside classroom, and outside, or drill ground); maintaining motivation, interest, and discipline; attending to administrative detail, such as recordkeeping and scheduling; demonstrating leadership skills;

(c) **Instructional Media:** developing, selecting, and using training aids (audio-visuals, handouts and other printed materials, and equipment) appropriately;

(d) **Speech and Communication:** choosing, using, and defining terminology correctly, speaking from notes and extemporaneously, assuring understanding of explanations;

(e) **Evaluation and Measurement:** assigning scores and grades, using current technology to determine measures of central tendency and statistical results, interpreting results, revisions of exam questions as needed;

(f) **Course Design and Lesson Planning:** performing needs assessments and task analyses; creating instructional objectives; creating session plans and teaching materials that enable student learning;

(g) **Education Psychology and Learning Theories:** identifying learning characteristics and learning styles; adjusting instruction to meet the social, psychological, and physiological needs of adult learners;

(h) **Counseling and Guidance:** counseling students first through informal steps (discussion and suggestions for correcting the problem) and formal steps (explanation of corrective steps and penalties or results for failure to comply accompanied by written notification to the student, student's supervisor, and the class file);

(i) **Research and Administration or Training Administration:** planning course schedules, instructor assignments, and faculty and equipment use, performing administrative tasks including managing and maintaining program schedules, instructor assignments, and records and reports, including course and student data, instructor support, and facility and equipment use;

(j) **Instructor Management:** performing instructor management tasks such as identifying instructor (personnel) needs, recruiting, selecting, and training or orienting, and evaluating instructors; and

(k) **Design of Evaluation Tools or Principles of Teaching and Evaluation:** using various written and skill testing instruments based on learning performance objectives.

.05 Certification.

A. **Certification Criteria.** A certificate for an individual approved as an instructor trainer is valid for 3 years after the date of approval by the MICRB, if the candidate:

(1) Meets the requirements as specified;

(2) Has evidence of academic achievement to meet these requirements documented by an official transcript from the college or university and has the institution send it to the MICRB;

(3) Has at least two satisfactory evaluations by a certified instructor trainer or individual designated by the MICRB before the evaluation; and

(4) Is recommended by the employing agency or agency having jurisdiction within the State.

B. If the instructor trainer candidate is currently certified as a State emergency services instructor at the time of the candidate's initial certification as an instructor trainer, the instructor trainer certification will run concurrently with the State emergency services instructor certification.

C. To retain approval, an instructor trainer shall teach at least 60 hours in a 3-year certification cycle, 30 of which shall be in instructor training, have at least one successful evaluation in the 3-year certification period by an approved instructor trainer, and complete one of the following requirements:

(1) Successfully complete a 3 credit-hour course in educational methodology, or the equivalent of 3 credit hours on in-service professional development;

(2) Successfully complete 12 hours of continuing education in an approved professional development seminar for instructors; or

(3) Research, develop, and teach a professional development seminar for instructors of at least 3 hours in length.

D. An instructor trainer who does not meet currency requirements may reapply after satisfactory completion of § C(1), (2), or (3) of this regulation and be recommended by the sponsoring agency. The MICRB shall review the entire file and may require the applicant to complete other certification requirements.

.06 Maryland Instructor Certification Review Board.

A. The Maryland Higher Education Commission, through the Maryland Fire-Rescue Education and Training Commission, has established, under its authority, standards for certification of emergency services instructors.

B. The process for issuing certificates under these standards is the responsibility of the Maryland Instructor Certification Review Board (MICRB).

C. The MICRB is a unit within the University System of Maryland.

D. The MICRB consists of five members appointed, effective July 1, for a 2-year term by the Chancellor of the University System of Maryland as follows:

(1) In even numbered years, one member recommended by the:

(a) Maryland Fire-Rescue Education and Training Commission, and

(b) Maryland Institute for Emergency Medical Services Systems;

(2) In odd numbered years, one member recommended by the:

(a) Maryland Council of Fire and Rescue Academies,

(b) Maryland Fire and Rescue Institute, and

(c) Maryland State Firemen's Association.

E. Members appointed to the MICRB shall serve until such time as a successor has been appointed.

F. The Chancellor of the University System of Maryland shall designate the chairman from among the appointees to the MICRB. The chairman shall serve at the pleasure of the Chancellor of the University System of Maryland.

G. Each constituent organization shall also recommend an alternate representative to be appointed by the Chancellor of the University System of Maryland to serve in the absence of the regular member.

H. The MICRB, through the Chancellor of the University System of Maryland, shall report to the MFRETC and the MHEC at least annually on the status of the instructor certification system.

.07 Maryland Instructor Certification Review Board Administration.

A. General administration of the MICRB is vested in the Chancellor of the University System of Maryland.

B. The MICRB shall act within the provisions of the Maryland instructor certification standards established for all State emergency services instructor, instructor evaluators, and instructor trainer certification candidates.

C. Certificates shall bear the seal of the University System of Maryland and be signed by the Chancellor, the chairman of the MICRB, and the chief officer of the agency or organization proposing the certification.

D. The MICRB shall approve all evaluators. Sponsoring agencies may submit candidates for consideration as evaluators. All evaluator candidates submitted by their sponsoring agency shall have successfully completed a MICRB-approved evaluator workshop prior to their recommendation and approval as an instructor evaluator.

E. The MICRB shall set the term of an evaluator.

F. The term of State emergency services instructors approved as evaluators shall be concurrent with their State emergency service instructor certification.

G. The MICRB is the final authority in issuing, renewing, or revoking certificates.

.08 Maryland Instructor Certification Review Board Meetings.

A. The MICRB shall meet at least four times during the calendar year.

B. Representation from three of the organizations shall constitute a quorum.

C. In the absence of the chairman, another regular member shall act as chairman.

D. The MICRB shall prepare the minutes of all meetings.

E. The member representatives shall be the five individuals designated by the recommending organizations.

F. The designated alternate shall vote only in the absence of a member.

.09 Maryland Instructor Certification Review Board Operations.

A. The MICRB shall maintain a current file of all MICRB certified instructors.

B. The MICRB shall maintain a roster of certified State emergency services instructors currently approved by the MICRB as evaluators. The organizations represented on the MICRB may recommend evaluators. The MICRB shall approve evaluators who have been recommended and who have completed an

MICRB endorsed evaluator workshop. Only MICRB approved evaluators may carry out required evaluations of student teaching activities.

C. MICRB shall make available current lists of certified instructors, instructor trainers, and approved evaluators upon written request.

D. An agency submitting applicants to the MICRB for certification as a State emergency services instructor, evaluator, or instructor trainer shall certify that the candidate has successfully completed each stage of the instructor-training approval process. The MICRB shall prepare and furnish standardized forms.

E. The members, or alternates, in attendance at the MICRB meeting shall make certification decisions by a majority vote. The MICRB shall notify the applicant and sponsoring agency of the action within 30 calendar days following the meeting.

F. An instructor candidate denied State certification or recertification by the MICRB may appeal the decision in writing. The candidate shall direct the appeal to the chairman of the MICRB within 30 calendar days from receipt of notification of action taken by the MICRB. If counsel represents the candidate, counsel shall advise the MICRB of the request for appeal.

G. The MICRB shall hear the appeal at the next scheduled meeting, but not less than 30 calendar days, or more than 60 calendar days from the date of receipt of the appeal.

H. The MICRB shall notify the instructor candidate of the date of the appeal hearing. The instructor candidate or counsel, or both, may attend the hearing.

I. The MICRB shall notify the instructor candidate within 30 calendar days following the hearing, stating the final decision of the MICRB.

J. The MICRB shall oversee the standards, ethics, and conduct of the State instructor certification process. The MICRB shall make recommendations to the MFRETC for modifications as needed.

K. The Maryland Higher Education Commission shall approve the proposed amendments to the process and these regulations.

.10 Maryland Instructor Certification Review Board Revocation Procedure.

A. The MICRB shall only consider written requests for revocation. Requests for revocation shall be forwarded to the sponsoring agency for a response.

B. MICRB may consider but not limit revocation for:

- (1) Misconduct;
- (2) Insubordination;
- (3) Incompetency;
- (4) Misrepresentation;
- (5) Willful neglect of duty;
- (6) Conviction of a felony;
- (7) Conviction of a crime involving moral turpitude; and
- (8) Failure to maintain required prerequisites for certification.

C. MICRB shall make a preliminary decision to revoke certification by majority vote of the MICRB members present at the specific meeting at which charges are presented.

D. Notice.

(1) Before revocation of certification, MICRB shall notify the State emergency services instructor or instructor trainer in writing by registered or certified mail sent to his or her address of record of the charges and of the preliminary revocation decision.

(2) The notice shall specify a date by which the State emergency services instructor or instructor trainer shall request, in writing, an appeal hearing. This due date may not be less than 30 calendar days from the date the MICRB mails the official notification.

(3) If an appeal hearing is not requested within the time permitted, the revocation becomes effective on the due date.

E. Appeal Hearing.

(1) Written appeal shall be received by the chairman of the MICRB not later than the date the revocation is to become effective.

(2) MICRB may not schedule an appeal hearing less than 30 calendar days, or more than 60 calendar days, after the written appeal is received by the chairman.

(3) The MICRB shall provide the appellant written notice of the hearing date not less than 15 calendar days in advance of the hearing.

(4) A quorum of the MICRB shall hear the individual, in person or by counsel. The individual may bring witnesses to the hearing.

(5) A decision to revoke is by majority vote of the MICRB members present at the appeal hearing.

(6) The MICRB shall provide to the appellant in writing the decision of the appeal hearing within 30 calendar days of the hearing.

(7) The MICRB shall set the terms of revocation.

(8) The decision of the MICRB is final and shall be communicated to the individual and the sponsoring agency.

.11 Maryland Instructor Certification Review Board Staffing.

A. The University System of Maryland Central Administration shall provide staff support to the MICRB through the Maryland Fire and Rescue Institute, subject to the approved budget.

B. The MFRETC, the chief operating officers of the Maryland Fire and Rescue Institute and the Maryland Institute for Emergency Medical Services Systems, the chairman of the Maryland Council of Fire and Rescue Academies, and the president of the Maryland State Firemen's Association may designate a representative as staff liaison to the MICRB in carrying out the MICRB's staff responsibilities.

C. The University System of Maryland shall reimburse members of the MICRB for expenses incurred in attending meetings. In its operating budget, the University System of Maryland shall provide for other necessary expenses incurred for the operations of the MICRB.

.12 Review.

A. The agencies and organizations represented on the MICRB shall review these regulations and certification authority every 2 years.

B. MICRB shall submit proposed changes to these regulations in accordance with the Administrative Procedure Act, State Government Article, Title 10, Annotated Code of Maryland, and through the Board of Regents of the University System of Maryland and the Maryland Higher Education Commission.

.13 Instructor I Standards.

A. The instructor candidate shall meet the requirements of NFPA 1041: Standard for Fire Service Instructor Professional Qualifications, 2012 Edition, or those of recognized instructor training agencies or educational institutions that have similar programs as approved by the MICRB.

B. The instructor candidate shall demonstrate knowledge and skills based on the general categories of NFPA 1041 Fire Service Instructor Professional Qualifications, and the requisite knowledge and skills of each section.

.14 Instructor II Standards.

A. General.

(1) The instructor candidate shall meet the requirements of NFPA 1041 Fire Service Instructor Professional Qualifications, or those of recognized instructor training agencies or educational institutions that have similar requirements.

(2) The instructor candidate shall demonstrate knowledge and skills based on the general categories of NFPA 1041 Fire Service Instructor Professional Qualifications, and the requisite knowledge and skills of each of the following subject areas:

- (a) Instructional planning;
- (b) Instructional materials/aids;
- (c) Evaluation and testing;
- (d) Concepts of learning;
- (e) References; and
- (f) Training records and reports.

B. Instructional Planning.

(1) The instructor shall define task and job analysis and describe the procedures for performing task and job analysis.

(2) The instructor shall demonstrate the ability to develop specific, measurable, attainable behavioral objectives or performance objectives that have three major components:

- (a) What behavior is expected and what the student will be able to do;
- (b) How the behavior is to be accomplished and the conditions under which the performance will be evaluated; and
- (c) To what standard the behavior is to be accomplished and how well the student will be able to perform.

(3) The instructor shall construct an analysis of a typical emergency services occupation by dividing the occupation into the following elements:

- (a) Block;
- (b) Unit;

(c) Task; and

(d) Job.

C. Instructional Development. Given an emergency services subject for which no prepared lesson plan exists, the instructor shall analyze the subject, determine the appropriate objectives for the subject, and develop a comprehensive lesson plan which meets the objectives for that subject and includes the following components:

- (1) Job title or topic;
- (2) Level of instruction;
- (3) Objectives (behavioral or performance);
- (4) Materials needed;
- (5) References;
- (6) Preparation step;
- (7) Presentation;
- (8) Application step;
- (9) Lesson summary;
- (10) Evaluation step; and
- (11) Assignments.

D. Instructional Methods/Techniques. The instructor shall explain when each of the following methods of instruction should be used and describe the relative values of each method:

- (1) Conference;
- (2) Discussion;
- (3) Demonstration;
- (4) Illustration;
- (5) Lecture;
- (6) Group discussion;
- (7) Computer-aided instruction;
- (8) Simulation; and
- (9) Individualized instruction.

E. Instructional Materials.

(1) The instructor shall prepare instructional materials appropriate for the instructor's discipline.

(2) The instructor shall prepare, for developmental purposes, a comprehensive course outline that includes the following components:

- (a) Determination of the needs of students to be enrolled in the course;
- (b) Course objectives;
- (c) Identification of the jobs to be taught;
- (d) Organization of the jobs in a logical teaching sequence; and
- (e) Establishment of a tentative teaching time for each job and the entire course.

(3) After analyzing organizational needs and programs, the instructor shall prepare or select instructional materials appropriate for the instructor's discipline.

F. Evaluation and Testing.

(1) The instructor shall construct written questions, oral questions, and performance tests based on the behavioral objectives or performance objectives of the lesson.

(2) The instructor shall construct a written and oral examination, and a performance test, all of which meet the following requirements:

- (a) Comprehensive;
- (b) Effective;
- (c) Free from ambiguities in content, administration, and grading;
- (d) Nondiscriminatory;
- (e) Reliable; and
- (f) Valid.

(3) The instructor shall construct a test analysis and an item analysis that provide information regarding examination effectiveness and validity.

(4) The instructor shall define the following terms and describe their implications in determining examination effectiveness:

- (a) Criterion reference testing;
- (b) Norm reference testing;
- (c) Distribution of scores;
- (d) Frequency of scores;
- (e) Interval;
- (f) Mean;
- (g) Median;
- (h) Percentage scores;
- (i) Percentile scores;
- (j) Range of scores;
- (k) Standard deviation;
- (l) Computer-based testing; and
- (m) Computer-adapted testing.

(5) Given a summary of test grades and the results of other evaluation procedures, the instructor shall:

- (a) Determine causes of a student's failure to meet objectives;
- (b) Prepare reports for superiors that summarize deficiencies; and
- (c) Make recommendations for corrective action that will reduce future failures.

(6) The instructor shall describe the requirements of the equal employment opportunity act, including guidelines and affirmative action efforts for employee selection and testing.

G. Concepts of Learning. The instructor shall describe how the following factors influence the teaching/learning process:

- (1) Instructional materials;
- (2) The teaching/learning setting;
- (3) Competency-based learning.

H. References. The instructor shall identify sources of references required for the development of an emergency services lesson plan.

I. Training Records and Reports. The instructor shall construct suitable training records and reports.

Administrative History

Effective date: June 16, 1980 (7:9 Md. R. 848)

Chapter recodified from COMAR 13.50.03 to 13B.03.01

Regulations .01—.04 repealed effective February 20, 1989 (16:3 Md. R. 346)

Regulations .01—.06 adopted effective February 20, 1989 (16:3 Md. R. 346)

Regulations .01—.06 repealed and new Regulations .01—.14 adopted effective July 1, 1996 (23:13 Md. R. 946)

Regulation .03G amended effective May 19, 1997 (24:10 Md. R. 711)

Regulation .14 amended effective May 19, 1997 (24:10 Md. R. 711)

Chapter revised effective December 22, 2003 (30:25 Md. R. 1850)

Regulation .01B amended effective October 22, 2007 (34:21 Md. R. 1917); April 11, 2016 (43:7 Md. R. 451)

Regulation .02B amended effective October 22, 2007 (34:21 Md. R. 1917); April 11, 2016 (43:7 Md. R. 451)

Regulation .03 amended effective October 22, 2007 (34:21 Md. R. 1917); June 13, 2011 (38:12 Md. R. 706)

Regulation .03F amended effective April 11, 2016 (43:7 Md. R. 451)

Regulation .04B amended effective April 11, 2016 (43:7 Md. R. 451)

Regulation .05 amended effective October 22, 2007 (34:21 Md. R. 1917)

Regulation .05C amended effective June 13, 2011 (38:12 Md. R. 706); April 11, 2016 (43:7 Md. R. 451)

Regulation .05D amended effective June 13, 2011 (38:12 Md. R. 706)

Regulation .06B amended effective April 11, 2016 (43:7 Md. R. 451)

Regulation .07 amended effective October 22, 2007 (34:21 Md. R. 1917); June 13, 2011 (38:12 Md. R. 706)

Regulation .09B, D amended effective October 22, 2007 (34:21 Md. R. 1917)

Regulation .10D amended effective October 22, 2007 (34:21 Md. R. 1917)

Regulation .13A amended effective October 22, 2007 (34:21 Md. R. 1917); April 11, 2016 (43:7 Md. R. 451)

Regulation .14 amended effective October 22, 2007 (34:21 Md. R. 1917)

Title 29

DEPARTMENT OF STATE POLICE

Subtitle 06 FIRE PREVENTION COMMISSION

Chapter 01 Fire Prevention Code

Authority: Public Safety Article §§ 6-206 and 6-501 (Amended effective October 7, 2019)

.01 Title.

This chapter shall be known and may be cited as the State Fire Prevention Code.

.02 Purpose.

A. The purpose of this chapter is to establish minimum requirements that will provide a reasonable degree of fire prevention and control to safeguard life, property, or public welfare from:

(1) The hazards of fire and explosion arising from the storage, handling, or use of substances, materials, or devices; and

(2) Conditions hazardous to life, property, or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots, or premises.

B. This chapter incorporates by reference NFPA 1 Fire Code (2018 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101

Life Safety Code (2018 Edition), except as amended in Regulation .07 of this chapter.

C. The State Fire Prevention Commission recommends the use of the NFPA National Fire Codes or other nationally recognized standards in technical matters not specifically addressed by this chapter.

.03 Application and Scope.

A. This chapter applies to both new and existing buildings and conditions. In various sections there are specific provisions for existing buildings that may differ from those for new buildings. Unless otherwise noted, this chapter does not apply to facilities, equipment, structures, or installations that were existing or approved for construction or installation before the effective date of this chapter, except in those cases in which it is determined by the authority having jurisdiction (AHJ) that the existing situation constitutes a hazard so inimical to the public welfare and safety as to require correction. The requirements for existing buildings and conditions may be modified if their application clearly would be impractical in the judgment of the AHJ, but only if it is clearly evident that a reasonable degree of safety is provided. The State Fire Marshal or the legally appointed designee has the authority to make a determination of the applicability of this chapter to any building or condition in it, subject to the right of appeal to the State Fire Prevention Commission as prescribed in COMAR 29.06.02.

B. (Repealed)

C. The provisions of this chapter do not apply in Baltimore City except to those buildings and conditions specifically prescribed in Public Safety Article, Title 6, Subtitle 4, Annotated Code of Maryland.

D. The provisions of this chapter do not apply to buildings used solely as dwelling houses for not more than two families as prescribed in Public Safety Article, Title 6, Subtitle 3, Annotated Code of Maryland.

.04 Enforcement.

A. Enforcement of this chapter is the responsibility of:

- (1) The State Fire Marshal;
- (2) A legally designated fire official of a county or municipal corporation of the State; or
- (3) Other persons legally appointed by the State Fire Marshal under Public Safety Article, Title 6, Subtitle 3, Annotated Code of Maryland.

B. The State Fire Marshal or the legally appointed designee may accept alternate methods of satisfying the intent of this chapter if the material, method, or work is at least the equivalent of that required by this chapter in quality, effectiveness, durability, and safety, and meets or exceeds the intent of the chapter.

C. If there are differing or conflicting requirements between this chapter and codes or standards adopted by incorporation by reference by this chapter, the State Fire Marshal or the legally appointed designee shall determine which requirements apply, subject to the right of appeal to the State Fire Prevention Commission.

D. If Public Safety Article, Annotated Code of Maryland, or this chapter requires that a permit, license, or certificate of approval be obtained from the State Fire Marshal, it shall be obtained from the State Fire Marshal, or other appropriate authority, of the county, city, or incorporated town where the activity or equipment for which the permit, license, or certificate required is located.

E. A violation of this chapter is subject to the penalties set forth in the Public Safety Article, Annotated Code of Maryland.

.05 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Authority having jurisdiction (AHJ)” means the State Fire Marshal or the legally appointed designee as prescribed in this chapter.

(2) “International Code Council (ICC)” means International Code Council, Inc., 500 New Jersey Avenue N.W., 6th Floor, Washington, DC 20001-2070.

(3) “Legally appointed designee” means those local or county officials specifically authorized under the Public Safety Article, Annotated Code of Maryland, to enforce the provisions of the State Fire Laws and State Fire Prevention Code.

(4) “New building or condition” means a building, structure, installation, plant, equipment, renovation, or condition:

(a) For which a building permit is issued on or after the effective date of this chapter;

(b) On which actual construction is started on or after the effective date of this chapter in a jurisdiction where a building permit is not required;

(c) Which represents a change from one occupancy classification to another on or after the effective date of this chapter; or

(d) Which represents a situation, circumstance, or physical makeup of any structure, premise, or process that was commenced on or after the effective date of this chapter.

(5) “NFPA” means National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

.06 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference, with the amendments specified in this chapter. Tentative interim amendments and supplements to these documents and to the codes and standards referenced in these documents are not included as part of this chapter unless specifically adopted by this chapter.

B. Documents Incorporated.

(1) NFPA 1 Fire Code (2018 Edition).

(2) NFPA 101 Life Safety Code (2018 Edition).

C. Incorporation by Reference Locations. The documents incorporated by reference in § B of this regulation are available for inspection in State depository libraries.

.07 National Fire Protection Association 101 Life Safety Code.

The NFPA 101 Life Safety Code (2018 Edition) is incorporated by reference, except for the following amendments:

A. Amend Section 2.2 to delete the referenced publication NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, 2016 edition.

B. Amend Section 2.4 to delete the referenced publications NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, 2016 edition and NFPA 5000 Building Construction and Safety Code, 2018 edition. Whenever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ.

C. Amend Subsection 3.3.64 to add the following Paragraph: 3.3.64.3 Bulkhead Door. A type of door assembly covering an opening in the ground providing direct access to a basement, the floor of which is not more than 8 feet below ground level. The door consists of a single rigid leaf or two overlapping rigid leaves or covers which need to be pushed or lifted upwards in order to be opened. A person, after opening the door, can walk up a series of steps to escape to the outside.

D. Amend Paragraph 3.3.148.1 and Subparagraphs 16.6.1.1.2 and 17.6.1.1.2 to delete “more than 3, but”.

E. Amend Paragraphs 3.3.196.4 and 6.1.4.1 to delete “four or more”.

F. Amend Paragraphs 3.3.196.12 and 6.1.9.1 to replace “four” with “six”.

G. Amend Subsection 4.5.8 and Paragraph 4.6.12.1 to delete “for compliance with the provisions of this Code”.

H. Amend Paragraph 4.6.10.2 to replace “Where required by Chapters 11 through 43, construction” with “Construction”.

I. Amend Paragraph 4.6.12.3 to delete “by the Code”.

J. Amend Subsection 4.8.2 to add the following Paragraph: 4.8.2.4 Emergency action plans shall be maintained in a location approved by the AHJ.

K. Amend Subparagraph 6.1.8.1.1 to replace “three” with “five” and delete “, if any, accommodated in rented room”.

L. Amend Subparagraph 7.2.1.5.12 to replace “required” with “provided”.

M. Amend Subparagraph 7.2.1.6.3 to replace “in Chapters 11 through 43” with “by the AHJ and Chapters 11 through 43”.

N. Amend Subparagraph 7.2.1.7.1 to delete “required to be”.

O. Amend Subparagraph 7.2.1.7.3 to delete “Required”.

P. Amend Paragraph 7.9.1.2 to replace “only” in the first sentence with “, but not be limited to,”.

Q. Amend Paragraph 9.6.1.3 and Subsection 9.11.1 to delete “required by this Code”.

R. Amend Paragraph 9.6.2.6 to add the following: This paragraph does not permit the omission of manual fire alarm boxes in accordance with other provisions of this Subsection unless specifically permitted by Chapters 11 through 43.

S. Amend Paragraph 9.7.1.1 to add the following Subparagraph: 9.7.1.1.1 For new ceiling installations, drop-out ceilings as referenced in NFPA 13, Subsection 8.15.15, shall be prohibited.

T. Amend Subsection 9.11.4 and Paragraph 9.14.1.1 to replace “Chapters 11 through 43” with “the AHJ and Chapters 11 through 43”.

U. Amend Paragraph 11.8.3.1 to add “High-rise buildings do not include a structure or building used exclusively for open-air parking.”

V. Amend Paragraph 11.11.2.1 to add “or other approved testing standard approved by the State Fire Marshal”.

W. Delete Subsection 11.12.2.

X. Delete Paragraphs 12.2.1.2, 14.2.1.5, 16.2.1.1, 28.2.1.4, 30.2.1.3, 32.2.2.7, 36.2.1.6, 38.2.1.5, 40.2.1.3, 42.2.1.3, Subparagraphs 16.6.2.1.2, 32.3.2.1.3, and Subsection 26.2.4.

Y. Amend Paragraphs 12.2.4.1 and 13.2.4.1 to add the following:

(1) Not less than two separate exits shall be provided on every story.

(2) Not less than two separate exits shall be accessible from every part of every story.

Z. Amend Paragraphs 14.7.2.3 and 15.7.2.3 to delete existing wording and replace with the following:

Fire emergency egress drills shall be conducted as follows:

(1) Not less than one fire emergency egress drill shall be conducted every month the facility is in session, unless the following criteria are met:

(a) In climates where the weather is severe, the monthly fire emergency egress drills shall be permitted to be deferred; and

(b) In educational occupancies which are:

(i) fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be five, with a least two of the required drills conducted in the first four months of the school year; or

(ii) not fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be eight, with at least three of the required drills conducted in the first four months of the school year.

(2) All occupants of the building shall participate in the fire emergency egress drill.

(3) One fire emergency egress drill, other than for educational occupancies that are open on a year-round basis, shall be required within the first 30 days of operation.

AA. Amend Subparagraph 15.2.2.2.4 to add the following new item: (10) Two releasing operations shall be permitted for hardware on an existing door leaf provided that releasing does not require simultaneous operations and the locking device is of a type that is readily distinguishable as locked.

BB. Amend Subsections 16.1.1 and 17.1.1 to add the following Paragraphs:

16.1.1.10 and 17.1.1.10 Day-care centers providing day care for school-age children before or after school hours in a building which is in use as a public or private school are not required to meet the provisions of this chapter, but shall meet the provisions for educational occupancies.

CC. Amend Subparagraphs 16.2.11.1.1 and 17.2.11.1.1 to add the following item:

(4) For grade floor windows the minimum net clear opening shall be permitted to be 5.0 ft².

DD. Amend Subparagraphs 16.6.1.4.1.1 and 17.6.1.4.1.1 to delete “more than three, but” and replace “seven” with “nine”.

EE. Amend Sub-subparagraphs 16.6.1.4.1.2 and 17.6.1.4.1.2 to replace “7” with “9”.

FF. Amend Subparagraphs 16.6.1.7.1 and 17.6.1.7.1 to replace “both” with “all” and Items (1) and (2) with the following Items:

(1) The minimum staff-to-client ratio shall be not less than one staff member for up to eight clients, including the caretaker’s own children incapable of self-preservation.

(2) There shall be not more than four clients incapable of self-preservation, including the caretaker’s own children incapable of self-preservation.

(3) A staff-to-client ratio of at least one staff member to every two clients incapable of self-preservation shall be maintained at all times.

(4) The staff-to-client ratio shall be permitted to be modified by the authority having jurisdiction where safeguards in addition to those specified in this section are provided.

GG. Amend Subparagraph 16.6.2.1.1 and Paragraph 17.6.2.1 to add the following: Bulkhead doors may not serve as a primary means of escape.

HH. Amend Subparagraphs 16.6.2.4.5 and 17.6.2.4.5 to delete item (3).

II. Amend Paragraphs 16.6.2.2 (Reserved) and 17.6.2.2 (Reserved) to add the following:

SLIDING DOOR: For family day-care homes, a sliding door used as a required means of escape shall comply with the following conditions:

(1) The sliding door shall have not more than one, easily operated, locking device that does not require special knowledge, effort, or tools to operate;

(2) There may not be draperies, screens, or storm doors that could impede egress;

(3) The sill or track height may not exceed ½ inch above the interior finish floor;

(4) The surface onto which exit is made shall be an all weather surface such as a deck, patio, or sidewalk;

(5) The floor level outside the door may be one step lower than the inside, but not more than 8 inches lower;

(6) The sliding door shall open to a clear open width of at least 28 inches;

(7) Before day-care use each day, the sliding door shall be unlocked and tested to the full required width to be sure it is operating properly, and the door shall be nonbinding and slide easily; and

(8) During periods of snow or freezing rain, door tracks shall be cleared out and the door opened periodically throughout the day in order to ensure proper operation.

JJ. Amend Paragraphs 16.6.2.3 (Reserved) and 17.6.2.3 (Reserved) to add the following:

SPECIAL MEANS OF ESCAPE REQUIREMENTS: For family day-care homes, deadbolt locks shall be provided with approved interior latches, or these locks shall be of a captured key design from which the key cannot be removed from the interior side of the lock when the lock is in the locked position.

KK. Amend Subparagraph 17.6.3.4.5 to delete “existing” and replace “and battery” with “battery, and smoke alarm”.

- LL. Amend Subparagraph 22.4.5.1.3 to delete “or 22.4.5.1.5”.
- MM. Delete Subparagraphs 22.4.5.1.5 and 23.4.5.1.5.
- NN. Delete Paragraphs 22.4.5.2 and 23.4.5.2.
- OO. Amend Subparagraph 23.4.5.1.3 to delete “or 23.4.5.1.5”.
- PP. Amend Paragraph 24.1.1.2 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.
- QQ. Amend Subparagraphs 24.2.2.3.3, 32.2.2.3.1(3), and 33.2.2.3.1(3) to insert “, or not less than 5.0 ft² for grade floor windows” after “5.7 ft²”.
- RR. Amend Paragraph 26.1.1.1 to replace “buildings” with “buildings that do not qualify as one- and two-family dwellings”.
- SS. Amend Sub-subparagraph 33.3.3.4.8.1 to delete “33.3.3.4.8.2 and”.
- TT. Delete Sub-subparagraph 33.3.3.4.8.2.
- UU. Amend Table 42.2.5 to replace “50” with “75” and “15” with “23” for common path of travel for ordinary hazard storage occupancy not protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1).
- VV. Amend Subparagraphs 42.3.4.1.2 and 42.3.4.1.3 to replace “Storage occupancies” with “Storage occupancies less than three stories”.
- WW. Amend Sub-subparagraphs 42.8.3.4.1.1 and 42.8.3.4.1.3 to replace “Parking structures” with “Parking structures less than three stories”.

.08 National Fire Protection Association 1 Fire Code.

The NFPA 1 Fire Code (2018 Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

- A. Delete Section 1.10. (See COMAR 29.06.02)
- B. Delete Subsection 1.11.3.
- C. Amend Subsection 1.12.1 to add the following Paragraph: 1.12.1.1 Permits, certificates, notices, approvals, or orders required by this code shall be governed by the policies and procedures of the AHJ.
- D. Amend Paragraph 1.12.6.13 to replace “Permits shall” with “Permits may”.
- E. Amend Subsection 1.12.8 to replace “shall” with “may”.
- F. Amend Subsection 1.13.2 to delete “Mandatory.” and replace “shall” with “may”.
- G. Delete Paragraphs 1.13.12.4 and 1.16.4.3.
- H. Amend Paragraphs 2.1.1.1 and 2.1.1.2 to replace “Compliance” with “Where permitted by the AHJ, compliance”.
- I. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, 2018 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ. Delete the referenced publication NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, 2016 edition.
- J. Amend Subsection 3.3.14 to add the following Paragraph: 3.3.14.13 Consumer Fireworks Retail Sales Area. The portion of a consumer fireworks retail sales facility or store, including the immediately adjacent aisles, where

consumer fireworks are located for the purpose of retail display and sale to the public.

K. Amend Subsection 3.3.130 and Paragraph 3.3.130.1 to add “and as referenced in Public Safety Article, §10-101, Annotated Code of Maryland”.

L. Amend Paragraph 3.3.192.6 to delete “more than 3 but”.

M. Amend Paragraphs 3.3.192.7 and 6.1.4.1 to delete “four or more”.

N. Amend Paragraph 3.3.192.25 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.

O. Amend Paragraphs 3.3.192.28 and 6.1.9.1 to replace “four” with “six”.

P. Amend Paragraph 4.5.8.1 to delete “for compliance with the provisions of this Code”.

Q. Amend Paragraph 4.5.8.3 to delete “by the Code”.

R. Amend Subparagraph 6.1.8.1.1 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.

S. Amend Subsection 10.1.2 to add “except as amended by COMAR 29.06.01.07, COMAR 29.06.01.08, and COMAR 29.06.01.09”.

T. Amend Section 10.2 to delete Subsection 10.2.7 and Table 10.2.7.1.

U. Amend Subsections 10.4.1 and 10.4.2 to replace “AHJ” with “AHJ or incident commander”.

V. Amend Subsection 10.10.6.1 to replace “10 ft (3 m)” with “15 ft (4.6 m)”.

W. Amend Subsection 10.11.1 to add the following Subparagraph and Paragraph:

10.11.1.1.1 Subject to the approval of the AHJ, individual suites within structures and rear exterior entrances and/r access from service corridors shall be clearly identified.

10.11.1.9 Where required by the AHJ, symbols in compliance with NFPA 170 Standard for Fire Safety and Emergency Symbols shall be used.

X. Amend Paragraph 10.11.1.1 to replace “address numbers” with “premises identification” and Paragraphs 10.11.1.2, 10.11.1.6, 10.11.1.7 and 10.11.1.8 to replace “Address numbers” with “Premises identification”.

Y. Amend Paragraph 10.11.1.4 to delete existing wording and replace with “Where required by the AHJ, the assignment of addresses to buildings shall be in accordance with an approved method.”

Z. Delete Paragraph 10.11.1.5.

AA. Amend Subsection 10.13.1 to add the following new Paragraph:

10.13.1.2 The AHJ shall be permitted to:

- (1) Approve the placement of a natural cut or balled tree;
- (2) Limit the number of natural cut or balled trees displayed; and
- (3) Order the removal of any tree if the tree poses a hazard to life or safety.

BB. Amend Paragraph 10.13.1.1 to replace “Christmas” with “Unless otherwise approved by the AHJ, Christmas”.

CC. Amend Paragraph 10.13.3.1 to replace “by the manufacturer” with “by a testing laboratory recognized by the Office of the State Fire Marshal”.

DD. Amend Paragraph 10.13.9.1 to replace “½ in. (13 mm)” with “2 in. (50 mm)” and add the following sentence: “A natural cut tree shall not exceed 10 ft. (3 m) in height, excluding the tree stand.”

EE. Amend Subparagraph 10.14.11.2.6 to replace “any vehicles” with “any vehicles, buildings,”.

FF. Amend Section 10.15 to add the following Subsection: 10.15.6 The AHJ shall have the authority to require that outdoor storage of any combustible material be enclosed by an approved fence or other protective enclosure to prevent unauthorized access.

GG. Amend Subsection 10.15.1 to replace “10 ft (3m)” with “15 ft (4.6m)” and “property line” with “property line, building, or adjacent pile of combustible material”; and add the following: The separation distance shall be allowed to be increased where the AHJ determines that a higher hazard to the adjoining property exists.

HH. Amend Subsection 10.15.5 to add “and shall not exceed 10,000 ft² in area”.

II. Amend Subsection 10.18.7 to replace “repaired” with “repaired on any balcony, under any overhanging portion, or”.

JJ. Amend Section 11.1 to add the following Subsection: 11.1.9 Clearance. A clear space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth, and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the clear space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated clear space. Exception: Where other specialized dimensions are required or permitted by NFPA 70.

KK. Amend Paragraph 11.1.7.3 to add the following Subparagraph: 11.1.7.3.2 Doors to electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording in contrasting letters not less than 1 in. (25 mm) high and not less than ¼ in. (6.4 mm) in stroke width.

LL. Amend Paragraph 11.3.6.1 to add the following sentence: Keys for new elevators shall be cut to a uniform key code to comply with the Maryland State Elevator Code.

MM. Amend Subsection 11.9.1 to replace “approved by the fire department” with “approved by the AHJ”.

NN. Amend Section 13.1 to add the following Subsection. 13.1.14 Appearance of Equipment. The AHJ shall be permitted to prohibit any device that has the physical appearance of a life safety or fire protection function but does not perform that life safety or fire protection function.

OO. Amend Subsection 13.1.3 to replace “in Chapters 11 through 43” with “by the AHJ and Chapters 11 through 43”.

PP. Amend Paragraph 13.3.1.2 to add the following Subparagraph: 13.3.1.2.1 For new ceiling installations, drop-out ceilings as referenced in NFPA 13, Subsection 8.15.15, shall be prohibited.

QQ. Amend Paragraphs 13.3.3.1 and 13.3.3.2 to delete “installed in accordance with this Code”.

RR. Amend Subsection 13.4.1 to add the following Subparagraph: 13.4.1.1.1 No fire pump component, including the pump, driver, or controller, shall be permitted to be installed in below-ground vaults or pits unless otherwise approved by the AHJ.

SS. Amend Subsection 13.6.1.2 to add “, unless otherwise permitted by the AHJ.”

TT. Amend Sub-subparagraph 13.6.4.1.2.1 to replace “certified” with “licensed as required by the AHJ”.

UU. Delete Sub-subparagraphs 13.6.4.1.2.1.1, 13.6.4.1.2.1.2, 13.6.4.1.2.1.3, 13.6.4.1.2.1.4, 13.6.4.1.2.1.5, 13.6.4.1.2.1.6.

VV. Amend Sub-subparagraph 13.6.4.1.2.3 to replace “certified” with “licensed”.

WW. Amend Sub-subparagraphs 13.7.2.28.1.2 and 13.7.2.28.1.3 to replace “Storage occupancies” with “Storage occupancies less than three stories”.

XX. Amend Paragraph 14.13.1.2 to replace “only” in the first sentence with “, but not be limited to,”.

YY. Amend Subparagraph 18.2.3.2.1 to replace “exterior door” with “exterior door acceptable to the AHJ”.

ZZ. Delete Paragraph 18.2.3.4.

AAA. Amend Subparagraph 20.2.4.2.3 to delete existing wording and replace with the following: Fire emergency egress drills shall be conducted as follows:

(1) Not less than one fire emergency egress drill shall be conducted every month the facility is in session, unless the following criteria are met:

(a) In climates where the weather is severe, the monthly fire emergency egress drills shall be permitted to be deferred; and

(b) In educational occupancies which are:

(i) fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be five, with a least two of the required drills conducted in the first four months of the school year; or

(ii) not fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be eight, with at least three of the required drills conducted in the first four months of the school year.

(2) All occupants of the building shall participate in the fire emergency egress drill.

(3) One fire emergency egress drill, other than for educational occupancies that are open on a year-round basis, shall be required within the first 30 days of operation.

BBB. Amend Subparagraph 20.3.4.1.1 and 20.3.4.1.2 to delete “more than 3, but” and the “,” after “12”.

CCC. Amend Paragraph 25.2.2.1 to add “or other approved testing standard approved by the State Fire Marshal”.

DDD. Amend Subsection 26.1.6 to add the following Paragraphs:

26.1.6.2 When requested by the AHJ, a hazard assessment shall be conducted by a technically qualified person acceptable to the AHJ.

26.1.6.3 When requested by the AHJ, a list of hazardous materials used in each laboratory shall be provided. The list shall specify the chemical name, quantity and hazard class.

26.1.6.4 New laboratories or laboratories where the NFPA 45 laboratory hazard classification changes shall post an information placard near the main entrance to the laboratory. The placard shall state the building name or address, room number, NFPA 45 laboratory hazard classification, edition of NFPA 45, maximum allowable quantities of flammable liquids both inside a storage cabinet and open use, and maximum quantities of flammable gases permitted within the laboratory.

EEE. Delete Chapter 35 Animal Housing Facilities.

FFF. Amend Subsection 42.7.5 to add the following Paragraphs:

42.7.5.7 Management/wner officials or employees shall conduct daily site visits to ensure that all equipment is operating properly.

42.7.5.8 Regular equipment inspection and maintenance at the unattended self-service facility shall be conducted.

42.7.5.9 Fuel dispensing equipment shall comply with one of the following:

(1) The amount of fuel being dispensed is limited in quantity by preprogrammed card; or

(2) Dispensing devices shall be programmed or set to limit uninterrupted fuel delivery of not more than 25 gallons and shall require a manual action to resume continued delivery.

GGG. Amend Paragraph 42.7.5.5 to add the following: The following information shall be conspicuously posted in this area:

(1) The exact address of the unattended self-service facility.

(2) The telephone number of the owner or operator of the unattended self-service facility.

HHH. Amend Subsection 50.2.1 to add the following Paragraphs, Subparagraphs, and Sub-subparagraphs:

50.2.1.10 Commercial Outdoor Cooking Operations. These requirements apply to commercial outdoor cooking operations such as those that typically take place under a canopy or tent-type structure at fairs, festivals, and carnivals. This includes, but is not limited to, deep frying, sauteing, and grilling operations.

50.2.1.10.1 Tent and Canopy Requirements.

50.2.1.10.1.1 Tents or canopies where cooking equipment not protected in accordance with NFPA 96 is located shall not be occupied by the public and shall be separated from other tents, canopies, structures, or vehicles by a minimum of 10 ft. (3050 mm) unless otherwise approved by the AHJ.

50.2.1.10.1.2 All tent and canopy material shall comply with the flame resistance requirements of Subsection 25.2.2.

50.2.1.10.2 LP Gas Fuel Requirements.

50.2.1.10.2.1 LP gas tank size shall be limited to 60 pounds. The total amount of LP gas on site shall not exceed 60 pounds for each appliance that is rated not more than 80,000 btu/hr. and 120 pounds for each appliance rated more than 80,000 btu/hr.

50.2.1.10.2.2 Tanks shall be maintained in good physical condition and shall have a valid hydrostatic date stamp.

50.2.1.10.2.3 Tanks shall be secured in their upright position with a chain, strap, or other approved method that prevents the tank from tipping over.

50.2.1.10.2.4 Tanks shall be located so that they are not accessible to the public. LP gas tanks shall be located at least 5 feet from any cooking or heating equipment or any open flame device.

50.2.1.10.2.5 All LP gas equipment shall be properly maintained and comply with the requirements of NFPA 58. 50.2.1.10.2.6 Regulators. Single-stage regulators may not supply equipment that is rated more than 100,000 btu/hr. rating. Two-stage regulators shall be used with equipment that is rated more than 100,000 btu/hr.

50.2.1.10.3 General Safety Requirements.

50.2.1.10.3.1 All electrical cords shall be maintained in a safe condition and shall be secured to prevent damage.

50.2.1.10.3.2 Movable cooking equipment shall have wheels removed or shall be placed on blocks or otherwise secured to prevent movement of the appliance during operation.

50.2.1.10.3.3 Portable fire extinguishers shall be provided in accordance with NFPA 1, Section 13.6 and shall be specifically listed for such use.

III. Amend Subparagraph 50.7.2.3.4 to replace “an approved company” with “a gas fitter certified by the Maryland Department of Labor, Licensing, and Regulation” and add the following:

The certification documentation shall consist of the following:

- (1) The name of the certified gas fitter;
- (2) The license or certification number that demonstrates the gas fitter is approved to install, inspect, and maintain LP-gas systems;
- (3) The corporate name of the mobile food service business;
- (4) The identifying name on the side of the mobile food vehicle;
- (5) The date of inspection;
- (6) The vehicle tag number and VIN; and
- (7) A signed statement by the certified gas fitter that reads: “The LP-Gas system has been inspected for compliance with the current edition of NFPA 58 and found to be in compliance with the provisions of the code. In addition, leak detection has been conducted on the LP-Gas system piping and the piping has been found to maintain integrity.”

.09 Fireworks and Explosive Materials.

The NFPA 1 Fire Code (2018 Edition) is incorporated by reference, except for the amendments in Regulation .08 of this chapter and the following amendments:

A. Permits shall be required for the following:

- (1) Fireworks displays;
- (2) Pyrotechnics before a proximate audience; and
- (3) Flame effects before an audience.

B. Amend Sections 65.2, 65.3, and 65.4 to add the following:

(1) All applications for permits for display shall be filed at least 10 business days before the display is to be held.

(2) Under Public Safety Article, Title 10, Annotated Code of Maryland, the following requirements apply to public liability and property damage insurance:

(a) In order to meet the requirement of the statute, the State shall be named as an insured in the contract of insurance;

(b) Because the policy shall cover all damages to persons or property, a deductible form of coverage may not be accepted;

(c) The minimum amount of coverage that the State can accept on any display is \$25,000 for the injury of one person, \$50,000 for more than one person, and \$10,000 for property damage; and

(d) A duplicate policy of a certificate of insurance shall be attached to the application.

(3) The policy or certificate shall provide that:

(a) The coverage may not be canceled without at least 30 days notice to the State Fire Marshal;

(b) The duplicate policy or certificate shall set forth all of the terms, conditions, endorsements, and riders which are or which will become part of the policy when issued;

(c) It is understood and agreed that limitations cannot be included in the policy which are not set forth in the duplicate policy or certificate of insurance which has been filed;

(d) If the policy is issued by an insurer authorized to do business in the State, it shall be validated by the signature of an agent licensed by the Maryland Insurance Administration to represent the insurer;

(e) If coverage is provided by an insurer who is not authorized to do business in the State, the duplicate policy or certificate of insurance shall be accompanied by a power of attorney or other satisfactory evidence that the person, firm, or corporation acting as agent in accepting the risk has authority to bind risks and issue policies for the insurer;

(f) The State Fire Marshal's Office specifically reserves the right to disapprove contracts issued by any authorized insurer if the Fire Marshal's Office determines the insurer is unsatisfactory; and

(g) If the policy issued by the unauthorized company is acceptable to the Fire Marshal's Office, it shall be registered and the registration fee and tax paid.

C. Amend Section 65.5 to add the following regarding the manufacture of fireworks:

(1) A building containing hazardous mixes or items may not be located closer than 20 feet to the property line.

(2) In § C(3) of this regulation, the following terms have the meanings indicated:

(a) "Trainees" means employees undergoing initial training in a specific process for a period not to exceed 24 consecutive work hours.

(b) "Transients" means:

(i) Supervisors not regularly assigned to the area;

(ii) Bona fide government agency personnel engaged in official business; and

(iii) Material-handling personnel actively engaged in the transfer of materials into or out of the area.

(3) The maximum number of workers, excluding one trainee and three transients, permitted in a building at one time shall be limited to one person per 100 square feet gross floor area or one person in buildings of less than 100 square feet gross floor area.

(4) The total amount of explosives or pyrotechnic composition including raw materials, material being processed, and finished products, that may be safely permitted in any building at a given time, shall be determined by the enforcement agency based upon the American Table of Distances for Storage of

Explosives, without recognition for barricades. However, distances may not be less than those required by Public Safety Article, § 10-204(a), Annotated Code of Maryland. The amount of explosives or other pyrotechnic composition may not exceed the amount necessary for production for 4 hours.

(5) Before beginning work, all fireworks plants shall submit for approval accurate scale plot plans of their premises to the State Fire Marshal of all proposed changes of location of any of the structures, fences, and gates.

D. Amend Section 65.5 to add the following Subsection:

65.5.3 Sale or use of fireworks shall comply with the following:

(1) Before the sale, offering for sale, or use within the State, of any sparkler, every manufacturer of sparklers shall submit sufficient samples for inspection to the State Fire Marshal, with a laboratory report from a certified testing laboratory affirming that the analysis of these sparklers showed that they contain no chlorates or perchlorates.

(2) All sparklers sold in the State shall be sold in boxes, and each box shall be clearly marked that the sparklers contain no chlorates or perchlorates.

(3) The manufacturer shall furnish the State Fire Marshal with a current list of wholesalers, jobbers, retailers, or retail outlets, who handle or supply sparklers, or maintain a list of wholesalers, jobbers, retailers, or retail outlets, subject to inspection by the State Fire Marshal.

E. Amend Subsection 65.9.1 reference to NFPA 495 as follows:

(1) Delete Sections 11.2 and 11.3.

(2) Amend Section 3.3 to add the following definition: Demolition. The explosive razing of any manmade structure or any part thereof that cannot be covered with overburden or blasting mats.

(3) Amend Section 4.4 to add the following new Subsection: 4.4.7 Each applicant for a Demolition Class D permit shall possess 5 years of experience in the field of demolition and shall pass the demolition examination as approved by the Office of the State Fire Marshal.

F. NOTE: The content of this regulation is extracted text from NFPA 1, 2012 edition, by permission. Copyright © 2012 NFPA Amend Chapter 65 to add the following:

65.10 Sale, Handling, and Storage of Consumer Fireworks.

65.10.1 Applicability.

65.10.1.1 General Requirements. Retail sales of consumer fireworks in both new and existing buildings, structures, and facilities shall comply with the requirements of this section unless otherwise indicated.

65.10.1.1.1 New Facilities.

65.10.1.1.1.1 For the purpose of applying the requirements of this section, the following consumer fireworks retail sales(CFRS) facilities and stores shall be considered to be new:

(1) Permanent CFRS facilities and stores that are not initially occupied until after the effective date of this Code, unless plans are submitted and accepted for review, plans have been approved for construction, or a building permit has been issued prior to the effective date of this Code;

(2) Permanent CFRS facilities and stores constructed prior to the effective date of this Code and in which the retail sales of consumer fireworks have not

been conducted either seasonally or year-round within one year prior to the effective date of this Code;

(3) Temporary CFRS facilities and stores

65.10.1.1.1.2 In a store where the area of the retail sales floor occupied by the retail displays of consumer fireworks is increased after the effective date of this Code, such that the area exceeds the limits specified in 65.10.5.1.1(1), the building shall be considered to be a new CFRS facility.

65.10.1.1.2 Existing Facilities. For the purpose of applying the requirements of Section 65.10, CFRS facilities and stores not considered to be new as specified in 65.10.1.1.1 shall be considered to be existing.

65.10.1.1.3 Minimum Requirements. Existing life safety features that do not meet the requirements for new buildings but that exceed the requirements for existing buildings shall not be further diminished.

65.10.1.1.4 Modernization or Renovation. Any alteration or any installation of new equipment shall meet, as nearly as practicable, the requirements for new construction.

65.10.1.1.4.1 Only the altered, renovated, or modernized portion of an existing building, system, or individual component shall be required to meet the provisions of this Code that are applicable to new construction.

65.10.1.1.4.2 If the alteration, renovation, or modernization adversely impacts required life safety features, additional upgrading shall be required.

65.10.1.1.4.3 Except where another provision of this Code exempts a previously approved feature from a requirement, the resulting feature shall be not less than that required for existing buildings.

65.10.1.2 Facility Classification. The requirements of this section shall apply to the following:

(1) Permanent buildings and structures, including the following:

- (a) Stores;
- (b) CFRS facilities.

(2) Temporary facilities, including the following:

- (a) CFRS stands;
- (b) Tents;
- (c) Canopies;
- (d) Membrane structures.

65.10.2 Special Limits for Retail Sales of Consumer Fireworks.

65.10.2.1 Retail sales of consumer fireworks, including their related storage and display for sale of such fireworks, shall be in accordance with this Code.

65.10.2.2 Retail sales of consumer fireworks shall be limited to mercantile occupancies defined in 3.3.183.17 and NFPA 101.

65.10.2.3 Any building or structure used for the retail sales of consumer fireworks, including their related storage, shall comply with Section 20.12 and NFPA 101 for mercantile occupancies, except as provided in this Code.

65.10.2.4 Retail sales of display fireworks and pyrotechnic articles, including the related storage and display for sale of such fireworks and articles, shall be prohibited at a CFRS facility or store.

65.10.2.5 Retail sales of certain explosive devices prohibited by the Child Safety Act of 1966, including the related storage and display for sale of such devices, shall be prohibited at a CFRS facility or store.

65.10.2.6 The retail sales of pest control devices, including their related storage and display for sale, shall be prohibited at a CFRS facility or store.

65.10.2.7 The retail sales of fireworks that do not comply with the regulations of the U.S. Consumer Product Safety Commission as set forth in 16 CFR 1500 and 1507 and the regulations of the U.S. Department of Transportation as set forth in 49 CFR 100 to 178, including their related storage and display for sale, shall be prohibited.

65.10.3 General Requirements for All Retail Sales.

65.10.3.1 Exempt Amounts.

65.10.3.1.1 The requirements of this section shall not apply to CFRS facilities or stores where the consumer fireworks are in packages and where the total quantity of consumer fireworks on hand does not exceed 125 lb. (net) [56.8 kg] of pyrotechnic composition or, in a building protected throughout with an approved automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13, 250 lb. (net) [113.6 kg] of pyrotechnic composition.

65.10.3.1.2 Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.

65.10.3.2 Permits. Where required by state or local laws, ordinances, or regulations, a permit for the following shall be obtained:

(1) Construction, erection, or operation of the following:

(a) Permanent building or structure;

(b) Temporary structure such as a stand, tent, or canopy used for the purpose of the retail display or sale of consumer fireworks to the public.

(2) Storage of consumer fireworks in connection with the retail display or sale of consumer fireworks to the public.

65.10.3.3 Plans. Plans for facilities other than stands and tents shall include the following:

(1) Minimum distances from the following:

(a) Public ways;

(b) Buildings;

(c) Other CFRS facilities;

(d) Motor vehicle fuel-dispensing station dispensers;

(e) Retail propane-dispensing station dispensers;

(f) Flammable and combustible liquid aboveground tank storage;

(g) Flammable gas and flammable liquefied gas bulk aboveground storage and dispensing areas within 300 ft (91.5 m) of the facility used for the retail sales of consumer fireworks.

(2) Vehicle access and parking areas.

(3) Location and type of portable fire extinguishers.

(4) Floor plan and layout of storage and displays to indicate compliance with this chapter and applicable state or local laws, ordinances, or regulations.

(5) Means of egress.

(6) Construction details.

65.10.3.4 Fire Department Access. Any portion of an exterior wall of a building, sidewall of a tent, or other defined perimeter of a CFRS facility or

store shall be accessible within 150 ft (45.7 m) of a public way or an approved fire apparatus access.

65.10.3.5 Construction of Buildings and Structures. Consumer fireworks shall only be permitted to be sold at retail in any of the following buildings or structures, provided that any new building or structure does not exceed one story in height:

(1) Permanent buildings or structures constructed in accordance with the building code enforced by the AHJ;

(2) Tents, canopies, or temporary membrane structures complying with NFPA 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures;

(3) Temporary structures constructed in accordance with this chapter;

(4) Temporary CFRS stands greater than 800 ft² (74 m²) in area that also meet the requirements for a permanent structure;

(5) Vehicles, such as vans, buses, trailers, recreational vehicles, motor homes, travel trailers, trucks, and automobiles, complying with the applicable requirements for CFRS stands.

65.10.3.6 An automatic sprinkler system designed and installed in accordance with Section 13.3 and NFPA 13 shall be provided throughout permanent CFRS facilities and stores in which CFRS are conducted in the following buildings:

(1) New buildings greater than 6000 ft² (557.2 m²) in area;

(2) Existing buildings greater than 7500 ft² (694 m²) in area.

65.10.3.6.1 Door and window openings in the fire barrier wall shall be protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than 1 hour and shall be installed in accordance with Section 12.4 and NFPA 80, Standard for Fire Doors and Other Opening Protectives.

65.10.3.6.2 Any other openings or penetrations in the fire barrier wall shall be protected in accordance with NFPA 101.

65.10.3.6.3 Every CFRS facility and store shall have no fewer than two portable fire extinguishers with a minimum rating of 2A, at least one of which shall be of the pressurized water type.

65.10.3.7 Storage Rooms. Storage rooms containing consumer fireworks in a new permanent CFRS facility or store shall be protected with an automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13 or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than 1 hour.

65.10.3.8 Portable Fire Extinguishers.

65.10.3.8.1 Specification. Portable fire extinguishers shall be provided as required for extra (high) hazard occupancy in accordance with Section 13.6 and NFPA 10.

65.10.3.8.2 Extinguisher Type. Where more than one portable fire extinguisher is required, at least one fire extinguisher shall be of the multipurpose dry chemical type if the facility is provided with electrical power.

65.10.3.8.3 Location. Portable fire extinguishers for permanent consumer fireworks retail sales facilities and stores shall be located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 75 ft (23 m), as specified in NFPA 10.

65.10.3.9 Fire Alarms. A fire alarm system shall be provided as required by Section 13.7 and NFPA 101.

65.10.3.10 Smoke Control.

65.10.3.10.1 Smoke and heat vents designed and installed in accordance with NFPA 204, Standard for Smoke and Heat Venting, shall be provided in the CFRS area of new permanent CFRS facilities or stores where the ceiling height is less than 10 ft (3.05 m) and the travel distance to reach an exit is greater than 25 ft (7.6 m).

65.10.3.10.2 The smoke and heat vents required by 65.10.3.10.1 shall be automatically activated by a smoke detection system installed throughout the CFRS area in accordance with NFPA 72.

65.10.3.11 No Smoking Signs.

65.10.3.11.1 Smoking shall not be permitted inside or within 50 ft (15.5 m) of the CFRS area.

65.10.3.11.2 At least one sign that reads as follows, in letters at least 2 in. (51 mm) high on a contrasting background, shall be conspicuously posted at each entrance or within 10 ft (3.05m) of every aisle directly serving the CFRS area in a store: "FIREWORKS — NO SMOKING"

65.10.3.12 Distance from Bulk Dispensing and Bulk Storage.

65.10.3.12.1 CFRS facilities and stores shall not be located within 50 ft (15.2 m) of the following:

- (1) Retail propane-dispensing station dispensers;
- (2) Aboveground storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas;
- (3) Compressed natural gas-dispensing station dispensers.

65.10.3.12.2 New CFRS facilities and stores, existing CFRS stands and tents, and temporary CFRS facilities shall not be located within 50 ft (15.2 m) of motor vehicle fuel-dispensing station dispensers.

65.10.3.12.3 Existing CFRS facilities, other than CFRS stands, tents, and temporary facilities, and existing stores shall not be located within 25 ft (7.6 m) of motor vehicle fuel-dispensing station dispensers.

65.10.3.12.4 Fuel tanks on vehicles or other motorized equipment shall not be considered bulk storage.

65.10.3.12.5 Fuel storage for generators shall be in accordance with 65.10.4.9.2.

65.10.3.12.6 CFRS areas and storage areas shall not be located within 300 ft (91.2 m) of any aboveground bulk storage or bulk dispensing area for the following:

- (1) Flammable or combustible liquid;
- (2) Flammable gas;
- (3) Flammable liquefied gas.

65.10.3.13 Fire Safety and Evacuation Plan. For a CFRS facility or store, an approved fire safety and evacuation plan shall be prepared in writing and maintained current.

65.10.3.14 Means of Egress.

65.10.3.14.1 Number of Exits.

65.10.3.14.1.1 The minimum number of exits provided from the retail sales area shall be not less than three or as determined in accordance with Chapter 14 and NFPA 101, whichever number is greater.

65.10.3.14.1.2 Required means of egress from the retail sales area shall not be allowed to pass through storage rooms.

65.10.3.14.2 Egress Travel Distance. Exits provided for the retail sales area of tents, membrane structures, canopies, and permanent CFRS facilities, including Class C stores, shall be located so that the maximum egress travel distance, measured from the most remote point to an exit along the natural and unobstructed path of egress travel, does not exceed 75 ft (22.9 m).

65.10.3.14.3 Aisles. Aisles serving as a portion of the exit access in CFRS areas shall comply with this paragraph.

65.10.3.14.3.1 Aisle Width.

65.10.3.14.3.1.1 Aisles shall have a minimum clear width of 48 in. (1.2 m).

65.10.3.14.3.1.2 The required width of aisles shall be maintained unobstructed at all times the facility is occupied by the public.

65.10.3.14.3.2 Aisle Arrangements.

65.10.3.14.3.2.1 Not less than one aisle shall be provided and arranged so that travel along the aisle leads directly to an exit.

65.10.3.14.3.2.2 Other required exits shall be located at, or within 10 ft (3.05 m) of, the end of an aisle or a cross-aisle.

65.10.3.14.3.2.3 Aisles shall terminate at an exit, another aisle, or a cross-aisle.

65.10.3.14.3.2.4 Dead-end aisles shall be prohibited.

65.10.3.14.3.2.5 Where more than one aisle is provided, not less than one cross-aisle shall have an unobstructed connection with every aisle, other than cross-aisles.

65.10.3.14.3.2.6 Cross-aisle connections shall be provided for each aisle at intervals not greater than 50 ft (15.2 m) as measured along the aisle.

65.10.3.14.3.2.7 Where cross-aisles are required, not less than one cross-aisle shall have at least one end terminate at, or within 10 ft (3.05 m) of, an exit.

65.10.3.14.4 Doors and Doorways. Doors and doorways used in the means of egress shall comply with this paragraph.

65.10.3.14.4.1 Egress doors shall be not less than 36 in. (910 mm) in width [providing a minimum of 32 in. (813 mm) clear width].

65.10.3.14.4.2 Every egress door that has a latching device shall be provided with panic hardware complying with Chapter 14 and NFPA 101.

65.10.3.14.4.3 Means of egress doors shall be of the sidehinge swinging type and shall be arranged to swing in the direction of egress travel.

65.10.3.14.5 Exit Signs.

65.10.3.14.5.1 Exits shall be marked by an approved exit sign in accordance with Section 14.14 and NFPA 101.

65.10.3.14.5.2 Exit signs shall be required to be self-luminous or internally or externally illuminated.

65.10.3.14.6 Emergency Lighting.

65.10.3.14.6.1 The means of egress, including the exit discharge, shall be illuminated whenever the facility is occupied in accordance with Section 14.12 and NFPA 101.

65.10.3.14.6.2 Emergency lighting shall be provided for CFRS facilities and stores and shall comply with Section 14.13 and NFPA 101.

65.10.3.15 Retail Sales Displays.

65.10.3.15.1 General. The requirements of this section shall apply only to CFRS areas, unless otherwise specifically indicated.

65.10.3.15.2 Height of Sales Displays. To provide for visual access of the retail sales area by the employees and customers, partitions, counters, shelving, cases, and similar space dividers shall not exceed 6 ft (1.8 m) in height above the floor surface inside the perimeter of the retail sales area.

65.10.3.15.2.1 Merchandise on display or located on shelves or counters or other fixtures shall not be displayed to a height greater than 6 ft (1.8 m) above the floor surface within the CFRS area.

65.10.3.15.2.2 Where located along the perimeter of the consumer fireworks retail sales area, the maximum height of sales displays shall be limited to 12 ft (3.66 m).

65.10.3.15.3 Flame Breaks.

65.10.3.15.3.1 Where continuous displays of consumer fireworks are located on shelving, cases, counters, and similar display fixtures, a flame break shall be provided so that the maximum distance between flame breaks does not exceed 16 ft (4.9 m) where measured along the length of the display.

65.10.3.15.3.2 The flame break shall extend as follows:

(1) From the display surface to not less than 6 in. (150 mm) above the full height of the displayed merchandise or to the underside of the display surface directly above;

(2) For the full depth of the displayed merchandise.

65.10.3.15.3.3 Where packaged fireworks merchandise is displayed on the same level as individual unpackaged fireworks devices, the flame break required in 65.10.3.15.3.1 shall not be required where both of the following criteria are met:

(1) The length of the display level containing individual unpackaged fireworks devices is interrupted by packaged fireworks merchandise, or open space, or any combination thereof, having a continuous length of not less than 8 ft (2.4 m).

(2) The distance between flame breaks does not exceed 32 ft (9.8 m).

65.10.3.15.3.4 Where a merchandise display level contains packaged fireworks merchandise, such merchandise shall be permitted to be displayed in a continuous length on the same level, where the display does not exceed 32 ft (9.8 m) without the flame break required in 65.10.3.15.3.1.

65.10.3.15.3.5 An aisle having a minimum width of 48 in. (1.2 m) shall be permitted to substitute for the flame break required in 65.10.3.15.3.1.

65.10.3.15.3.6 Where displays of merchandise face aisles that run along both long sides of the display fixtures or display surface, a flame break shall be installed lengthwise between the abutting display fixtures or along the approximate longitudinal centerline of the display surface so as to separate the

merchandise facing one of the aisles from the merchandise that abuts it facing the other aisle.

65.10.3.15.3.7 Freestanding display racks, pallets, tables, or bins containing packaged fireworks merchandise shall be permitted without flame breaks, provided the dimensions of the area occupied by the fireworks merchandise do not exceed 4 ft (1.2 m) in width, 8 ft (2.4 m) in length, and 6 ft (1.8 m) in height, and the displayed fireworks merchandise is separated from other displays of merchandise by aisles having a minimum clear width of 4 ft (1.2 m).

65.10.3.15.3.8 Where both of the facing vertical surfaces of the abutting display fixtures are constructed of perforated hardboard panels not less than $\frac{1}{4}$ in. (6 mm) thick that are separated from each other by an open space not less than 1 $\frac{1}{2}$ in. (38 mm) wide, a flame break specified in 65.10.3.15.3.6 shall not be required.

65.10.3.15.4 Shelving.

65.10.3.15.4.1 Shelving or other surfaces used to support fireworks display merchandise shall be permitted to have not more than 10 percent of the area of the shelf contain holes or other openings.

65.10.3.15.4.2 The 10 percent limitation on the area of holes or other openings in the shelf used to support fireworks display merchandise shall not be applicable under the following conditions:

(1) Where both of the facing vertical surfaces of the abutting display fixtures are constructed of perforated hardboard panels not less than $\frac{1}{4}$ in. (6 mm) thick and separated from each other by an open space not less than 1 $\frac{1}{2}$ in. (38 mm) wide;

(2) Where such merchandise is suspended from or fastened to the shelf or surface or is displayed as packaged merchandise on the surface or in bins.

65.10.3.15.4.3 Flame breaks and solid display surfaces shall not be required for packaged fireworks merchandise displayed in bins or display racks or on pallets or tables located at the end of a row of display fixtures where the following conditions are met:

(1) Such end displays are separated from the ends of the display fixtures by an open space not less than 3 in. (76 mm) wide;

(2) The fireworks merchandise occupies an area having dimensions not greater than the width of the end of the row of display fixtures and a depth not greater than 36 in. (910 mm);

(3) The minimum required widths of the adjacent aisles are maintained, but in no case is the aisle width less than 48 in. (1.2 m).

65.10.3.15.5 Covered Fuses.

65.10.3.15.5.1 Only consumer fireworks meeting the criteria for covered fuses as described in 65.10.3.15.5.2 shall be permitted where the retail sales of consumer fireworks are conducted.

65.10.3.15.5.2 A consumer fireworks device shall be considered as having a covered fuse if the fireworks device is contained within a packaged arrangement, container, or wrapper that is arranged and configured such that the fuse of the fireworks device cannot be touched directly by a person handling the fireworks without the person having to puncture or tear the packaging or wrapper, unseal or break open a package or container, or otherwise damage or

destroy the packaging material, wrapping, or container within which the fireworks are contained.

65.10.3.15.6 Reserved.

65.10.3.15.7 Horizontal Barriers. Combustible materials and merchandise shall not be stored directly above the consumer fireworks in retail sales displays unless a horizontal barrier constructed of plywood at least 9.5 mm ($\frac{3}{8}$ in.) thick is installed directly above the consumer fireworks as follows:

(1) Barriers shall extend from rack face to rack face and shall be tight to the vertical barriers;

(2) Barriers shall be supported by horizontal rack members;

(3) Transverse vertical barriers constructed of plywood at least 9.5 mm ($\frac{3}{8}$ in.) thick shall be provided at the rack uprights extending from rack face to rack face;

(4) For double-row racks, longitudinal vertical barriers constructed of plywood at least 9.5 mm ($\frac{3}{8}$ in.) thick shall be provided at the rack uprights in the center of the rack.

65.10.3.16 Electrical Equipment. All electrical wiring shall be in accordance with NFPA 70.

65.10.3.17 Heating Equipment.

65.10.3.17.1 Heating units shall be listed and shall be used in accordance with their listing.

65.10.3.17.2 Temporary heating sources shall have tip-over and temperature-overheat protection.

65.10.3.17.3 Open-flame and exposed-element heating devices shall be prohibited.

65.10.3.18 Portable Generators.

65.10.3.18.1 Class II and Class III combustible liquid generator fuel shall be limited to not more than 5 gal (18.9 L).

65.10.3.18.2 Portable generators shall be permitted to use Class I flammable liquids as fuel, provided the quantity of such fuel is limited to 2 gal (7.6 L).

65.10.3.19 Operations.

65.10.3.19.1 General. Means of egress, including but not limited to aisles, doors, and exit discharge, shall be clear at all times when the facility or the building is occupied.

65.10.3.19.2 Distances from Entrances and Exits.

65.10.3.19.2.1 No consumer fireworks shall be displayed for sale or stored within 5 ft (1.5 m) of any public entrance in an enclosed building or structure.

65.10.3.19.2.2 No consumer fireworks shall be displayed for sale or stored within 2 ft (0.6 m) of any exit or private entrance in an enclosed building or structure.

65.10.3.19.3 Security.

65.10.3.19.3.1 CFRS facilities and stores shall be secured when unoccupied and not open for business, unless fireworks are not kept in the facility during such times.

65.10.3.19.3.2 The fireworks displayed or stored in a CFRS facility or store shall be allowed to be removed and transferred to a temporary storage structure or location.

65.10.3.19.4 Fireworks shall not be ignited, discharged, or otherwise used within 300 ft (91.5 m) of a CFRS facility or store.

65.10.3.20 Display and Handling. Not less than 50 percent of the available floor area within the retail sales area shall be open space that is unoccupied by retail displays and used only for aisles and cross-aisles.

65.10.3.21 Housekeeping.

65.10.3.21.1 CFRS areas and storage rooms shall be kept free of accumulations of debris and rubbish.

65.10.3.21.2 Any loose pyrotechnic composition shall be removed immediately.

65.10.3.21.3 Vacuum cleaners or other mechanical cleaning devices shall not be used.

65.10.3.21.4 Brooms, brushes, and dustpans used to sweep up any loose powder or dust shall be made of nonsparking materials.

65.10.3.21.5 Consumer fireworks devices that are damaged shall be removed and not offered for sale.

65.10.3.21.6 Damaged consumer fireworks shall be permitted to be returned to the dealer or shall be disposed of according to the manufacturer's instructions.

65.10.3.22 Training. All personnel handling consumer fireworks shall receive safety training related to the performance of their duties.

65.10.3.23 Under the Influence. Any person selling consumer fireworks shall not knowingly sell consumer fireworks to any person who is obviously under the influence of alcohol or drugs.

65.10.3.24 Records.

65.10.3.24.1 Records shall be maintained on available inventory on the premise.

65.10.3.24.2 Records shall be made available to the AHJ upon request.

65.10.4 Consumer Fireworks Retail Sales (CFRS) Facility Requirements.

65.10.4.1 Plan. Where required, plans for CFRS facilities shall be submitted to the AHJ with the permit application.

65.10.4.2 Site Plan. The site plan for tents shall show the location of the tent on the site and indicate the minimum separation distances required by 65.10.4.7.

65.10.4.3 Construction Materials. The following construction materials requirements shall apply to new permanent CFRS facilities in jurisdictions that have not adopted a local building code:

(1) Buildings having an area up to and including 8000 ft² (743 m²) shall be permitted to be constructed of any approved construction materials;

(2) Buildings having an area greater than 8000 ft² (743 m²) shall be constructed in accordance with one of the following:

(a) Buildings shall be constructed of noncombustible or limited-combustible materials;

(b) Buildings with exterior walls having a fire resistance rating of not less than 2 hours shall be permitted to have the roof decking and its supporting structure and interior partitions constructed of combustible materials.

(3) Roof coverings for any building shall have a minimum rating of Class C.

65.10.4.4 Multiple-Tenant Buildings.

65.10.4.4.1 Where new CFRS facilities are located in a building containing other tenants, the CFRS facility shall be separated from the other tenants by fire barriers having no openings and a fire resistance rating of not less than 2 hours.

65.10.4.4.2 Where the new CFRS facility is protected per Section 13.3 and NFPA 13, the fire resistance rating of the fire barrier required by 65.10.4.4.1 shall be permitted to be not less than 1 hour.

65.10.4.4.3 Any penetrations of the fire barrier shall be protected in accordance with NFPA 101.

65.10.4.5 Fire Protection.

65.10.4.5.1 Automatic Sprinkler System Alarm. Any waterflow alarm device shall be arranged to activate audible and visual alarms throughout the CFRS facility in accordance with Section 13.7 and NFPA 72.

65.10.4.5.2 Portable Fire Extinguishers. Portable fire extinguishers for temporary CFRS facilities shall be installed and located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 35 ft (10.6 m).

65.10.4.5.3 Public Notification. In permanent CFRS facilities greater than 3000 ft² (278.6 m²) in area, a public address system or a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with Section 13.7 and NFPA 72 shall be provided at a constantly attended location when the CFRS facility is occupied.

65.10.4.6 Site Requirements.

65.10.4.6.1 Clearance to Combustibles. The area located within 30 ft (9 m) of a CFRS facility shall be kept free of accumulated dry grass, dry brush, and combustible debris.

65.10.4.6.2 Parking. No motor vehicle or trailer used for the storage of consumer fireworks shall be parked within 10 ft (3 m) of a CFRS facility, except when delivering, loading, or unloading fireworks or other merchandise and materials used, stored, or displayed for sale in the facility.

65.10.4.6.3 Fireworks Discharge. At least one sign that reads as follows, in letters at least 4 in. (102 mm) high on a contrasting background, shall be conspicuously posted on the exterior of each side of the CFRS facility: "NO FIREWORKS DISCHARGE WITHIN 300 FEET"

65.10.4.7 Separation Distances.**65.10.4.7.1 Permanent Facilities.**

65.10.4.7.1.1 New Facilities. New permanent consumer fireworks retail sales facilities shall be separated from adjacent permanent buildings and structures in accordance with Table 65.10.4.7.1.1.

Table 65.10.4.7.1.1 Separation Distances Between New Permanent Buildings and Structures

Separation Distances		Exterior Wall Fire Resistance Rating (hour)	Exterior Wall Opening Protection rating (hour)
Feet	Meters		
<10	<3.05	2	1 ½
≥10 to <60	≥3.05 to <18.3	1	¾
≥60	≥18.3	0	0

65.10.4.7.1.2 Existing Facilities. Existing permanent CFRS facilities shall be separated from adjacent permanent buildings and structures by not less than 10 ft (3.05 m) or shall be separated by a wall with a 1-hour fire resistance rating.

65.10.4.7.2 Temporary Facilities. Temporary CFRS facilities shall be located as specified in Table 65.10.4.7.2.

Table 65.10.4.7.2 Temporary CFRS Facilities — Minimum Separation Distances

	Buildings		Combustibles ^a		Tents ^b		Vehicle Parking		Stands ^c		Storage of Consumer Fireworks	
	feet	meters	feet	meters	feet	meters	feet	meters	feet	meters	feet	meters
Tents ^b	20	6.1	20	6.1	20	6.1	10	3.05	20	6.1	20	6.1
Stands ^c	20	6.1	10	3.05	20	6.1	10	3.05	5 ^d	1.5 ^d	20	6.1

- a. The required clearances to combustibles shall also comply with 65.10.4.6.1.
- b. Tents refers to temporary retail sales of consumer fireworks in tents, canopies, and membrane structures.
- c. Stands refers to temporary CFRS stands.
- d. Where stands are separated from each other by less than 20 feet (6.1 meters), the aggregate area of such stands shall not exceed 800 square feet (74 square meters).

65.10.4.8 Means of Egress.

65.10.4.8.1 General.

65.10.4.8.1.1 Means of egress in CFRS facilities shall comply with the applicable requirements of Chapter 14 and NFPA 101, as modified by 65.10.3.14 and 65.10.4.8.

65.10.4.8.1.2 Means of egress in tents and membrane structures used for retail sales of consumer fireworks shall also comply with NFPA 102, as modified by 65.10.3.14 and 65.10.4.8.

65.10.4.8.2 The evacuation plan shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the CFRS facility.

65.10.4.8.3 Exit signs shall not be required to be illuminated in tents that are not open for business after dusk.

65.10.4.8.4 Emergency lighting shall not be required in tents that are not open for business after dusk.

65.10.4.8.5 Exit openings from tents shall have a clear opening width of not less than 44 in. (1100 mm).

65.10.4.9 Source of Ignition.

65.10.4.9.1 Temporary Electrical Equipment. Battery powered equipment, electrical equipment, and electrical cords that are used in conjunction with a CFRS facility area shall be listed and shall be used in accordance with their listing.

65.10.4.9.1.1 Temporary wiring installed in a temporary structure, including tents and canopies, shall comply with NFPA 70.

65.10.4.9.1.2 Where temporary electrical conductors are placed on top of an outdoor surface to connect the permanent power source to the temporary CFRS facility's temporary electrical system, the conductors shall be provided with physical protection against damage caused by pedestrian or vehicular traffic.

65.10.4.9.2 Portable Generators.

65.10.4.9.2.1 Portable generators supplying power to CFRS facilities shall use only Class II or Class III combustible liquid fuels.

65.10.4.9.2.2 Portable generators shall be located not less than 20 ft (6.1 m) from the CFRS facility.

65.10.4.9.2.3 Generator fuels shall be stored not less than 20 ft (6.1 m) from the CFRS facility.

65.10.4.9.2.4 Where the generator fuel storage is located not less than 50 ft (15.2 m) from the CFRS facility, the quantity of such fuel shall not be limited by 65.10.3.18.

65.10.4.9.3 Cooking Equipment.

65.10.4.9.3.1 Cooking equipment of any type shall not be permitted within 20 ft (6.1 m) of tents, canopies, or membrane structures used for the storage or sale of consumer fireworks.

65.10.4.9.3.2 Open flame cooking equipment of any type shall not be allowed within 50 ft (15.2 m) of tents, canopies, or membrane structures used for the storage or sale of consumer fireworks.

65.10.4.10 Quantity Limitations. The floor area occupied by the retail displays of consumer fireworks in permanent CFRS facilities shall not exceed 40 percent of the available floor area within the retail sales area.

65.10.4.11 Flame Breaks. In CFRS facilities the longitudinal flame break required in 65.10.3.15.3.6 shall not be required where the display fixture or surface is adjacent to an aisle that is not used for public egress.

65.10.5 Stores.

65.10.5.1 General.

65.10.5.1.1 For the purpose of this chapter, stores in which retail sales of consumer fireworks are conducted shall not be considered CFRS facilities as defined in 3.3.72 where both of the following conditions exist:

(1) The area of the retail sales floor occupied by the retail displays of consumer fireworks does not exceed 25 percent of the area of the retail sales floor in the building or 600 ft² (55.5 m²), whichever is less;

(2) The consumer fireworks are displayed and sold in a manner approved by the AHJ and comply with the applicable provisions of this code, federal and state law, and local ordinances.

65.10.5.1.2 Consumer fireworks displayed for sale in stores shall comply with the following:

(1) Such fireworks shall be under the visual supervision of a store employee or other responsible party while the store is open to the public;

(2) Such fireworks shall be packaged fireworks merchandise;

(3) Such fireworks shall be packaged and displayed for sale in a manner that will limit travel distance of ejected pyrotechnical components if ignition of the fireworks occurs;

65.10.5.2 Egress. Means of egress in stores shall comply with Chapter 14 and NFPA 101, unless otherwise specified in 65.10.3.14.

65.10.5.3 Storage Rooms. Storage rooms containing consumer fireworks in a new permanent store shall be protected with an automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13 or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than 1 hour.

65.10.5.3.1 Door and window openings in the fire barrier wall shall be protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than 1 hour and shall be installed in accordance with Section 12.4 and NFPA 80.

65.10.5.3.2 Any other openings or penetrations in the fire barrier wall shall be protected in accordance with NFPA 101.

65.10.5.4 Alarm Notification. In Class B stores, a public address system or a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with Section 13.7 and NFPA 72 shall be provided at a constantly attended location when the store is occupied.

65.10.5.5 Flame breaks shall be allowed to be omitted in stores protected throughout with an automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13.

65.10.6 Stands.

65.10.6.1 Site Plan. The site plan for stands shall show the location of the stand on the site and indicate the minimum separation distances required by 65.10.4.7.

65.10.6.2 Temporary Stands.

65.10.6.2.1 Portable Fire Extinguisher. Temporary CFRS stands of less than 200 ft² (18.6 m²) shall be required to have only one portable fire extinguisher.

65.10.6.2.2 Fire Safety and Evacuation Plan. An approved fire safety and evacuation plan shall not be required for temporary CFRS stands.

65.10.6.2.3 Means of Egress.

65.10.6.2.3.1 Retail sales areas within temporary CFRS stands shall have a minimum of two exits.

65.10.6.2.3.2 Exits provided for temporary fireworks retail sales stands shall be located such that the maximum egress travel distance as measured from the most remote point to an exit along the natural and unobstructed path of egress travel does not exceed 35 ft (10.6 m).

65.10.6.2.3.3 Customers shall not be permitted inside a temporary CFRS stand unless it complies with the means of egress requirements in 65.10.3.14.

65.10.6.2.3.4 Exit signs shall not be required to be illuminated in stands that are not open for business after dusk, or in temporary CFRS stands where the interior is not accessible to the public.

65.10.6.2.3.5 Emergency lighting shall not be required in stands that are not open for business after dusk or for temporary CFRS stands where the interior is not accessible to the public.

65.10.6.3 Minimum Separation Distances. Temporary CFRS stands shall be separated from adjacent buildings and structures in accordance with Table 65.10.4.7.2.

65.10.6.4 Stands Not Open to the Public.

65.10.6.4.1 Minimum Clear Width of Aisles. In temporary CFRS stands where the interior is not accessible to the public, the minimum clear width of the aisle shall be permitted to be not less than 28 in. (710 mm).

65.10.6.4.2 Egress Doors.

65.10.6.4.2.1 Egress doors provided for temporary CFRS stands where the interior is not accessible to the public shall be permitted to be not less than 28 in. (710 mm) in width.

65.10.6.4.2.2 For temporary CFRS stands where the interior is not accessible to the public, latching devices on doors shall be permitted without panic hardware.

65.10.6.4.3 Storage. In temporary CFRS stands where the interior is not accessible to the public, the maximum height of sales displays shall be limited to 8 ft (2.44 m).

65.10.6.4.4 Flame Breaks. Temporary CFRS stands where the interior is not accessible to the public shall not be required to comply with 65.10.3.15.3.

65.10.6.4.5 Covered Fuses.

65.10.6.4.5.1 Only consumer fireworks meeting the criteria for covered fuses as described in 65.10.3.15.5.2 shall be permitted where the retail sales of consumer fireworks are conducted.

65.10.6.4.6 Sales Display. The following shall apply to the sales display of consumer fireworks in temporary CFRS stands that do not allow access to the interior of the stand by the public:

(1) Consumer fireworks shall be displayed in a manner that prevents the fireworks from being handled by persons other than those operating, supervising, or working in the temporary CFRS stand.

(2) The handling requirements of 65.10.6.4.6(1) shall not apply to packaged assortments, boxes, or similarly packaged containers of one or more items, regardless of type.

.10 Blasting Operations General Requirements.

A. Notifications.

Written notification by e-mail or facsimile shall be provided to the Office of the State Fire Marshal Bomb Squad at least 24 hours prior to each blast. The name of company or contractor performing the blasting and the location, date, and approximate time shall be identified. The geographical coordinates (longitude and latitude) shall be provided.

B. Complaints.

If requested by a property owner registering a complaint and considered necessary by the State Fire Marshal, measurements on three consecutive blasts, using approved instrumentation, shall be made near to the structure in question.

C. Special Precautions.

When blasting operations, other than those conducted at a fixed site such as a quarry, are to be conducted within 200 feet of a pipe line or high voltage transmission line, the contractor shall take additional precautionary measures and shall notify the owner of the line, or the owner's agent, that blasting operations are intended.

D. Records.

(1) A record of each blast shall be kept. All records, including seismograph reports, shall be retained for at least 3 years, be available for inspection, and include the following items:

- (a) Name of company or contractor;
 - (b) Location, date, and time of blast. The geographical coordinates (longitude and latitude) shall be identified;
 - (c) Name, signature, and Social Security number of blaster in charge;
 - (d) Type of material blasted;
 - (e) Number of holes, burden, and spacing;
 - (f) Diameter and depth of holes;
 - (g) Type of explosives used;
 - (h) Total amount of explosives used;
 - (i) Maximum amount of explosives per delay period of 8 milliseconds or greater;
 - (j) Method of firing and type of circuit;
 - (k) Direction and distance in feet to nearest dwelling house, public building, school, church, and commercial or institutional building not owned or leased by the person conducting the blasting;
 - (l) Weather conditions including such factors as wind direction, etc.;
 - (m) Height or length of stemming;
 - (n) If mats or other protection to prevent fly rock were used;
 - (o) Type of detonators used and delay period used;
 - (p) Seismograph records including seismograph readings when required containing:
 - (i) Name and signature of the individual operating the seismograph,
 - (ii) Name of the individual analyzing the seismograph records, and
 - (iii) Seismograph reading; and
 - (q) The maximum number of holes per delay period of 8 milliseconds or greater.
- (2) The person taking the seismograph reading shall accurately indicate the exact location of the seismograph, if used, and shall also show the distance of the seismograph from the blast.

E. Liability Insurance for Explosives Handlers.

(1) As provided in Public Safety Article, Title 11, Annotated Code of Maryland, proof of liability insurance shall be provided by an applicant for a license to:

- (a) Manufacture explosives;
- (b) Engage in the business of dealing in explosives; or
- (c) Possess any explosives other than for use in firearms.

(2) The minimum amount of liability insurance required for licensing for the activities specified in § E(1) of this regulation is \$1,000,000.

.11 Portable Fire Extinguishers.

A. License to Service or Repair Portable Fire Extinguishers. A license shall be obtained from the State Fire Marshal's Office by every individual, firm, or corporation commercially servicing, repairing, filling, or refilling portable fire extinguishers, except fire departments.

B. Sale of Portable Fire Extinguishers.

(1) It is unlawful for a person, directly or through an agent, to sell or offer for sale in the State any make, type, or model of portable fire extinguisher, either new or used, unless the make, type, or model of extinguisher has been tested and listed by a testing laboratory accepted by the State Fire Marshal.

(2) An extinguisher is not approved even if it bears the label of an accepted testing laboratory if it contains any of the following liquids:

- (a) Carbon tetrachloride, chlorobromomethane, azeotropic chloromethane, dibromodifluoromethane, 1,2-dibromo-2-chloro-1,2-trifluoroethane;
- (b) 1,2-dibromo-2,2-difluoroethane, methyl bromide, ethylene dibromide;
- (c) 1,2-dibromotetrafluoroethane, hydrogen bromide, methylene bromide, bromodifluoromethane, dichlorodifluoromethane; or
- (d) Any other toxic or poisonous liquid.

.11-1 Nonwater-based Fixed Fire Extinguishing Systems.

A license shall be obtained from the State Fire Marshal's Office by every individual, firm, or corporation commercially installing, servicing, or repairing nonwater-based fixed fire extinguishing systems.

.12 (Repealed)

.13 Smoke Detectors for the Deaf or Hearing Impaired—Signs—Repealed.

.14 Sale and Use of Heaters and Stoves.

A. Gasoline Stoves. The sale or use of gasoline stoves or other similar fuel-burning cooking or heating appliances using Class I flammable liquids as defined in NFPA 1 Fire Code (2018 Edition) and NFPA 30 Flammable and Combustible Liquids Code (2018 Edition), is prohibited unless the appliance has been tested and listed by a testing laboratory accepted by the State Fire Marshal. The appliance shall be installed, operated, and maintained in a safe manner in accordance with the prescribed recommendation of the manufacturer and the conditions stated in the listing by the respective testing laboratory.

B. Unvented Portable Kerosene-Fired Heaters.

(1) The sale or use of unvented portable kerosene-fired heaters is permitted only if the heater or appliance meets the U.L. Subject 647 and bears the label of a testing laboratory accepted by the State Fire Marshal.

(2) The heaters shall only be used as permitted under Commercial Law Article, § 14-1310, Annotated Code of Maryland.

(3) Each heater shall contain a warning label stating: "This device must not be operated while unattended". In addition, the heater shall contain the manufacturer's warning label required by Commercial Law Article, § 14-1310, Annotated Code of Maryland.

.15 Sale or Use of Flame Retardant Chemicals.

An individual, firm, or corporation may not sell or offer for sale in the State any type of flame-retardant or flame-proofing compound, powder, or liquid, for fire-retardant purposes unless the product has been tested, listed, and bears the mark of a recognized testing laboratory accepted by the State Fire Marshal.

.16 Visual Obscuration Systems.

Visual obscuration systems associated with security or burglar alarm systems may not be permitted.

Administrative History

Effective date: July 21, 1972

Regulations .01B, .13A, .15B, G, .16B, .18A, B, .22B, .23A—C, .26B, .29B—D, .33, .35B amended effective October 7, 1977 (4:21 Md. R. 1604)

Regulations .04—, .14, .16—, .35, and .41 amended effective August 30, 1982 (9:17 Md. R. 1709)

Regulation .14D adopted effective July 1, 1967

Regulations .15G, .16C, .18C, .22A, .29B, and .35B, E, F amended as an emergency provision effective February 23, 1978 (5:5 Md. R. 332); adopted permanently effective June 2, 1978 (5:11 Md. R. 885)

Regulation .16A amended effective April 9, 1984 (11:7 Md. R. 628)

Regulations .16B, .18A, E, .23, .26B, .29D amended effective May 14, 1975 (2:10 Md. R. 759)

Regulation .16B amended effective April 18, 1980 (7:8 Md. R. 772)

Regulation .23B amended effective August 22, 1980 (7:17 Md. R. 1672)

Regulation .26 amended effective December 7, 1981 (8:24 Md. R. 1936)

Regulation .30E adopted effective October 5, 1979 (6:20 Md. R. 1629); September 19, 1980 (7:19 Md. R. 1808)

Regulation .33 amended effective November 21, 1983 (10:23 Md. R. 2064)

Regulation .34 amended effective January 21, 1976 (3:2 Md. R. 87) and November 4, 1977 (4:23 Md. R. 1735)

Regulation .36 adopted effective April 27, 1977 (4:9 Md. R. 1719)

Regulation .36A, C amended effective October 7, 1977 (4:21 Md. R. 1604)

Regulation .37 adopted effective February 26, 1979 (6:4 Md. R. 227); amended effective October 5, 1979 (6:20 Md. R. 1629)

Regulation .37 (Cellulose and Foam Insulation) adopted as an emergency provision effective January 1, 1979 (6:1 Md. R. 15); emergency status withdrawn by AELR Committee for § B of this regulation effective February 1, 1979 (6:4 Md. R. 275); emergency status expired May 12, 1979 (Emergency provisions are temporary and not printed in COMAR)

Regulation .38 adopted effective October 5, 1979 (6:20 Md. R. 1629)

Regulation .39 adopted effective October 31, 1980 (7:22 Md. R. 2074)

Regulation .40 adopted effective July 20, 1981 (8:14 Md. R. 1228)

Regulation .41 adopted effective October 12, 1981 (8:20 Md. R. 1636)

Regulation .42 adopted effective January 17, 1983 (10:1 Md. R. 32)

Chapter revised effective May 6, 1985 (12:9 Md. R. 812)

Regulation .06A amended effective July 28, 1986 (13:15 Md. R. 1735); July 24, 1989 (16:14 Md. R. 1568)

Regulation .06O amended effective October 5, 1987 (14:20 Md. R. 2143)

Regulation .06R adopted effective October 1, 1985 (12:19 Md. R. 1849)

Regulation .06S adopted effective March 7, 1988 (15:5 Md. R. 622)

Regulation .07B amended effective January 23, 1989 (16:1 Md. R. 72)

Chapter revised effective May 11, 1992 (19:9 Md. R. 879)

Regulation .09B amended effective November 22, 1993 (20:23 Md. R. 1805)

Regulation .10 adopted effective November 22, 1993 (20:23 Md. R. 1805)

Chapter revised effective December 4, 1995 (22:24 Md. R. 1897)

COMAR 12.03.01 repealed effective January 14, 1999 (26:1 Md. R. 25)

Regulations .01— .22 adopted effective January 14, 1999 (26:1 Md. R. 25)

Regulations .01— .22 repealed effective August 6, 2001 (28:15 Md. R. 1400)

Regulations .01— .17 adopted effective August 6, 2001 (28:15 Md. R. 1400)

Chapter revised effective August 1, 2004 (31:12 Md. R. 914)

Chapter revised effective January 1, 2007 (33:24 Md. R. 1907)

Regulation .02B amended effective January 1, 2010 (36:25 Md. R. 1956); January 1, 2013 (39:23 Md. R. 1533); January 1, 2016 (42:23 Md. R. 1436); October 7, 2019 (46:20 Md. R. 847)

Regulation .03B repealed effective January 1, 2010 (36:25 Md. R. 1956)

Regulation .04D amended effective January 1, 2010 (36:25 Md. R. 1956)

Regulation .05B amended effective January 1, 2010 (36:25 Md. R. 1956)

Regulation .06 amended effective January 1, 2016 (42:23 Md. R. 1436)

Regulation .06B amended effective January 1, 2010 (36:25 Md. R. 1956); October 7, 2019 (46:20 Md. R. 847)

Regulation .06C amended effective January 1, 2010 (36:25 Md. R. 1956); January 1, 2013 (39:23 Md. R. 1533)

Regulation .07 amended effective January 1, 2010 (36:25 Md. R. 1956); January 1, 2013 (39:23 Md. R. 1533); January 1, 2016 (42:23 Md. R. 1436); October 7, 2019 (46:20 Md. R. 847)

Regulation .08 amended effective January 1, 2010 (36:25 Md. R. 1956); January 1, 2013 (39:23 Md. R. 533); January 1, 2016 (42:23 Md. R. 1436); October 7, 2019 (46:20 Md. R. 847)

Regulation .09 amended effective January 1, 2010 (36:25 Md. R. 1956); January 1, 2013 (39:23 Md. R. 533); January 1, 2016 (42:23 Md. R. 1436); October 7, 2019 (46:20 Md. R. 847)

Regulation .10 amended effective January 1, 2013 (39:23 1533); October 7, 2019 (46:20 Md. R. 847)

Regulation .11 amended effective January 1, 2010 (36:25 Md. R. 1956)

Regulation .11-1 adopted effective January 1, 2010 (36:25 Md. R. 1956)

Regulation .13 repealed effective January 1, 2016 (42:23 Md. R. 1436)

Regulation .14A amended effective January 1, 2010 (36:25 Md. R. 1956); January 1, 2013 (39:23 Md. R. 1533); January 1, 2016 (42:23 Md. R. 1436)

Chapter 02 Procedural Regulations

Authority: Public Safety Article, § 6-206 and Title 6, Subtitle 5, Annotated Code of Maryland

.01 Hearings—Contested Cases Before the State Fire Prevention Commission

A. Appeals.

(1) When a person is aggrieved by an order or decision of the State Fire Marshal, made in the course of the administration or enforcement of the State Fire Prevention Code and Public Safety Article, Title 6, Annotated Code of Maryland, the person shall file within 20 days a written petition of appeal with the State Fire Prevention Commission, setting forth the reason for the appeal.

(2) The 20-day period during which an appeal may be taken begins on the date the notice of the Fire Marshal's order or decision was received by the person or agent in accordance with Public Safety Article § 6-319, Annotated Code of Maryland.

(3) The original petition for appeal and nine copies of it shall be filed with the State Fire Prevention Commission, 18345 Colonel Henry K. Douglas Drive, Suite 240, Hagerstown, MD 21740.

B. Upon receipt of the petition for appeal, the secretary to the State Fire Prevention Commission shall mail a copy of the petition for appeal to each member of the Commission. The appellant shall be notified of the time and date of the hearing before the Commission at least 10 days before the hearing. At the hearing, there shall be at least five members of the Commission present, one of which shall be either the chairman or the vice-chairman.

C. Before the hearing and upon specific written request of any party or counsel, in accordance with Public Safety Article § 6-502, Annotated Code of Maryland, the State Fire Marshal may furnish for copying at the State Fire Marshal's office documents or other material in the State Fire Marshal's files relating to the matter at issue. Upon written request, the State Fire Marshal shall furnish the names of witnesses who have personal knowledge of matters material to the matter at issue.

D. The Commission shall provide for transcription of the hearing by electronic recording device or by a stenographer.

E. At the hearing, the State Fire Marshal, or the State Fire Marshal's agent or attorney, shall present to the Commission the evidence upon which the decision or order was based. The other party or counsel may cross-examine witnesses. The party aggrieved shall then present witnesses to testify, subject to cross-examination, and other evidence relative to the matter at issue. The State Fire Marshal and the party aggrieved shall be permitted to present:

- (1) Additional evidence at any time during the hearing; and
- (2) Oral arguments at the close of all of the evidence.

F. Upon request of a party, a party's counsel, or State Fire Marshal personnel, the Commission may postpone the hearing for any reason.

G. Unless the hearing is postponed, failure to appear at the time and place designated in the notice shall be deemed a default on the part of a party.

H. A decision shall be rendered by the Commission within 30 days of the hearing. Within that time the Commission shall notify all parties in writing of the decision. The decision shall be mailed to the last known address of each party. The mailing of the decision by the Commission is prima facie evidence of notification to a party of the Commission's decision.

.02 Administrative Procedure Act.

In addition to this chapter, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, governs practice and procedure in a hearing before the Commission and an appeal from a hearing.

Administrative History

Effective date: January 14, 1999 (26:1 Md. R. 25)

Regulation .01 and .02 adopted effective January 14, 1999 (26:1 Md. R. 25)

Chapter 03 Approval of Testing Laboratories

Authority: Public Safety Article, § 6-206 and Title 6, Subtitle 5, Annotated Code of Maryland (Repealed Effective January 1, 2013)

Chapter 04 Fees for Fire Prevention Services

Authority: Public Safety Article, §§ 6-206, 6-308, 9-701, and 9-702, Annotated Code of Maryland (Amended effective April 1, 2012)

.01 Scope.

A. This chapter establishes a schedule of fees to be used by the State Fire Marshal to at least cover the administrative costs associated with the review of building plans, inspection of new and existing buildings, and fire suppression, detection, and alarm systems to ensure compliance with applicable fire prevention codes.

B. This chapter does not apply to any municipal corporation or county that has adopted, before the effective date of this chapter, an ordinance or regulation that establishes a fee schedule for building inspections or plans review.

C. Municipal or County Corporations.

(1) The fee schedule established by the State Fire Prevention Commission may be used, amended, or referenced by a municipal or county corporation that chooses to establish its own fee schedule. [

(2) A municipal or county corporation establishing its own fee schedule shall be responsible for administering its own:

- (a) Plan reviews or inspections;
- (b) Fee processing; and
- (c) Payment collection.

.02 Incorporation by Reference.

A. Occupancies are defined and classified as required by the National Fire Protection Association (NFPA) 101 “Life Safety Code” as incorporated by reference in COMAR 29.06.01. In the case of mixed occupancies when it is impractical to distinguish individual occupancy classifications, the occupancy classification is based on the predominant use and occupancy of the building or structure.

B. Terminology and reference standards are defined and classified by the appropriate code or standard of the National Fire Protection Association as referenced in COMAR 29.06.01.

.03 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.

(1) “Code” means the State Fire Laws, Public Safety Article, Titles 6 and 9, Annotated Code of Maryland, and the State Fire Prevention Code under COMAR 29.06.01.

(2) “Fire protection system” means:

(a) Fire alarm and detection systems with a fire alarm control panel;
 (b) Sprinkler, water spray, and combined sprinkler and standpipe systems;

(c) Standpipe systems and hose systems;

(d) Fire pumps and associated valves, piping, controllers, driver, and related equipment;

(e) Gaseous and chemical extinguishing systems that use gases such as halon or carbon dioxide, or dry or wet chemical compounds as the primary extinguishing agent;

(f) Foam systems that use a foaming agent to control or extinguish a fire in a flammable liquid installation, aircraft hangar, and other recognized applications; and

(g) Smoke control systems that include smoke exhaust, stair pressurization, and other recognized air-handling systems specifically designed to exhaust or control smoke, or create pressure zones to minimize the hazard of smoke spread caused by fire.

(3) “Initial inspection” means an inspection conducted for fire code compliance not generated by a previously identified fire code violation.

(4) “Local fire authority” means those municipal or county fire officials specifically authorized under the Public Safety Article, Annotated Code of Maryland, to enforce the provisions of the State Fire Laws and Fire Prevention Code.

(5) “New building or condition” means a building, structure, installation, plant, equipment, renovation, or condition:

(a) For which a building permit is issued on or after the effective date of this chapter;

(b) On which actual construction is started on or after the effective date of this chapter in a jurisdiction where a building permit is not required;

(c) That represents a change from one occupancy classification to another on or after the effective date of this chapter; or

(d) That represents a situation, circumstance, or physical makeup of any structure, premise, or process that was commenced on or after the effective date of this chapter.

(6) “Reinspection” means an inspection conducted for fire code compliance generated by a previously identified fire code violation.

(7) “State fire authority” means the State Fire Marshal or legally appointed designee.

.04 Fees in General.

A. Fee Computation. The amount of the fee for the following services shall be computed in accordance with Regulations .05—.07 of this chapter:

(1) Plan review, and use and occupancy inspection;

- (2) Fire protection system plan review and inspection; and
- (3) Fire safety inspection.

B. Fee Payment for Plan Review and Use and Occupancy Inspections.

(1) Fees for plan review and use and occupancy inspections are payable upon receipt of an invoice from the State fire authority of:

(a) Preliminary or construction plans for the construction of a new building, addition, expansion, or renovation of an existing building or facility; and

(b) Plans for a fire protection system.

(2) Fee payments shall be reviewed by the State fire authority to ensure that they are in the proper amount. If a fee payment is incorrect, an invoice requesting the balance of the fee shall be sent to the person identified on the original invoice.

(3) Failure to pay the fee within the required time shall result in appropriate administrative or legal action. Further plan review or inspection action may not take place until the fee is paid in full. This may result in delay of the issuance of a building permit, or use and occupancy permit for the building or facility.

C. Fee Payment for Fire Safety Inspections.

(1) Fees for fire safety inspections are payable upon receipt of an invoice from the State fire authority upon completion of the inspection. Failure to pay this fee within the specified time may result in:

(a) Administrative or legal action;

(b) No further inspection activity;

(c) Denial of the issuance or renewal of a permit or license held by the facility being inspected; and

(d) Violation of Public Safety Article, §§ 6-601, 6-317, 9-109, 9-206, 9-905, Annotated Code of Maryland.

(2) The fire safety inspection fee may not be charged if the initial inspection is conducted in response to a specific complaint regarding an alleged violation of the Code. Any reinspection based on the initial inspection is subject to the fees outlined in Regulation .07C of this chapter.

(3) The fire safety inspection fee may not be charged if the initial inspection is initiated by the State fire authority. Any reinspection based on the initial inspection is subject to the fees outlined in Regulation .07C of this chapter.

D. Payment Method.

(1) Fee payments shall be made payable to the Office of the State Fire Marshal.

(2) Cash payment is not acceptable.

(3) Fee payment shall be in the form of a check, money order, or other approved means.

E. Disputes Over Fees.

(1) Disputes regarding the amount of the fee charged and any other matter related to the charging of a fee shall be resolved in accordance with administrative procedures adopted by the State fire authority.

(2) An appeal of an administrative finding by the State Fire Marshal may be made to the State Fire Prevention Commission in accordance with procedures in COMAR 29.06.02.

F. Technical Assistance, Unclassified Inspections, and Special Events. Fees for technical assistance, unclassified inspections, and special events shall be based upon criteria required in Regulation .08 of this chapter.

.05 Fees for Plan Review and Use and Occupancy Inspection.

A. Fee Schedule.

(1) The fee schedule in this section is to be used to calculate the fee to be paid for the review of plans for and inspection of all new and existing buildings, including a change in use or occupancy. Where a local jurisdiction elects to conduct plan reviews and adopts a fee schedule for these reviews but does not conduct the inspections, the State Fire Marshal shall be permitted to reduce the fee schedule rate under this regulation by 50 percent to cover the costs of inspections conducted by the State Fire Marshal.

(2) The review and inspection is required to obtain a building permit, or a use and occupancy permit from a State or local government agency or licensing authority in order to construct, renovate, or occupy a building or facility, or install a fire protection system.

(3) Fees are as follows:

- (a) Assembly occupancy — 8 cents per square foot;
- (b) Educational occupancy — 10 cents per square foot;
- (c) Health care occupancy — 10 cents per square foot;
- (d) Detention or correctional occupancy — 10 cents per square foot;
- (e) Residential occupancy — 8 cents per square foot;
- (f) Mercantile occupancy — 8 cents per square foot;
- (g) Business occupancy — 8 cents per square foot;
- (h) Industrial occupancy — 6 cents per square foot;
- (i) Storage occupancy — 6 cents per square foot;
- (j) \$100 per plan review or use and occupancy inspection, whichever is greater;
- (k) Flammable or combustible liquid storage tank — 1 cent per gallon of maximum tank capacity or \$200 per tank, whichever is greater, although tanks less than 660 gallons used to provide heating fuel or other utility service to a building or facility are exempt from the fee;
- (l) Marina or pier — \$120 plus \$1.50 per slip; and
- (m) Outside storage of flammable and combustible materials such as scrap tire, lumber, mulch, tree stumps, drums of flammable or combustible liquids, etc. — \$120 per acre or fraction of an acre.

B. The fee due shall be calculated using the appropriate rate in § A of this regulation applied to:

- (1) The gross square feet per floor for a new building or tenant space or a change in its use or occupancy;
- (2) The gross square feet of an area being renovated or altered; or
- (3) The gross square feet per floor for a storage occupancy when a shell building without a specific occupancy or tenancy is to be built.

C. When a shell building is built without a specific occupancy or tenancy, the appropriate occupancy fee applies when use or occupancy is determined as prescribed by a separate building permit or use and occupancy permit.

D. The fee for a mixed occupancy shall:

(1) Be based upon the fee schedule in § A of this regulation for each occupancy;

(2) Be the cumulative total of the fee for each occupancy; and

(3) Reflect the predominant classification of the building or structure when a separate fee for each occupancy cannot be determined.

E. A change in use or occupancy of a building or tenant space shall be calculated at the same rate as a new building.

F. The fee for a building or tenant space occupied without completion of a plan review shall be based upon the fee schedule in § A of this regulation.

G. A 50 percent refund of the fees in §§ A—F of this regulation may be refunded if a permit to construct is denied by a permit or licensing authority, or if the applicant abandons the project before construction, for whatever reason. The applicant may request a refund within 6 months of official notification of the denial of the permit, license, or issuance of a building permit by the respective authority. A renewal of the permit or resumption of construction requires a new submittal of plans for the remaining work and payment of the full fee.

.06 Fees for Fire Protection System Plan Review and Inspection.

A. The fee schedule that follows in this section is to be used to calculate the fee to be paid for plan review and inspection of the fire protection systems specified:

(1) Fire alarm and detection system—\$150 per fire alarm control panel, plus \$2 per fire alarm initiating and indicating device;

(2) Sprinkler, water spray, and combined sprinkler and standpipe system
 (a) \$2 per sprinkler head and \$3 per extended coverage sprinkler head or \$150 per system, whichever is greater; and

(b) \$100 for each additional hydrostatic test; or

(c) \$75 per dwelling unit for one- and two-family dwellings;

(3) Standpipe and hose system—\$50 per 100 linear feet of piping or fraction of 100 linear feet, or \$150 per system, whichever is greater;

(4) Fire pump—50 cents per gallon per minute (gpm) of rated pump capacity or \$300 per pump, whichever is greater, although this fee does not apply to limited service pumps for residential sprinkler systems as permitted for NFPA 13D systems;

(5) Water storage tanks — \$100 per tank, although this fee does not apply to residential sprinkler system tanks as permitted for NFPA 13D systems;

(6) Gaseous and chemical extinguishing system—The greater of:

(a) \$1 per pound of gaseous or dry chemical extinguishing agent, although this fee does not apply to a reserve supply of extinguishing agent;

(b) \$100 per 30,000 cubic feet of volume of the portion of protected space;

or

- (c) \$150 per system; and
- (d) \$150 per wet chemical extinguishing system;
- (7) Foam system—\$100 per nozzle or local applicator device plus \$2 per sprinkler head for a combined sprinkler and foam system, or \$150 per system, whichever is greater;
- (8) Smoke control system—\$100 per 50,000 cubic feet of volume or the portion of the protected or controlled space, up to a maximum of \$1,500 per system, or \$300 per system, whichever is greater.

B. The fees also include, for a:

- (1) Fire alarm and detection system:
 - (a) Plan review and inspection of a complete system of:
 - (i) Wiring,
 - (ii) Controls,
 - (iii) Alarm and detection equipment, and
 - (iv) Related appurtenances; and
 - (b) One final acceptance test of the installed system;
- (2) Sprinkler, water spray, and combined sprinkler and standpipe system:
 - (a) Plan review and inspection of:
 - (i) Shop drawings,
 - (ii) Hydraulic calculations,
 - (iii) Piping,
 - (iv) Control valves, and
 - (v) Connections and other related equipment and appurtenances;
 - (b) One underground flush test;
 - (c) One hydrostatic test;
 - (d) One forward flow test of the backflow preventer; and
 - (e) One final acceptance test;
- (3) Standpipe and hose system:
 - (a) Plan review and inspection of a complete system of:
 - (i) Shop drawings,
 - (ii) Control valves,
 - (iii) Piping, and
 - (iv) Connections and other related equipment and appurtenances;
 - (b) One flush test;
 - (c) One hydrostatic test; and
 - (d) One final acceptance test ;
- (4) Fire pump:
 - (a) Plan review and inspection of a complete system of:
 - (i) Pumps and all associated valves,
 - (ii) Piping,
 - (iii) Controllers,
 - (iv) Driver and other related equipment and appurtenances; and
 - (b) One pump acceptance test per pump;
- (5) Gaseous or chemical extinguishing system:
 - (a) Plan review and inspection of a complete system of:
 - (i) Piping,
 - (ii) Controls, and

- (iii) Equipment and other appurtenances; and
- (b) One performance or acceptance test;
- (6) Foam system:
 - (a) Plan review and inspection of a complete system of:
 - (i) Piping,
 - (ii) Controls,
 - (iii) Nozzles, and (iv) Equipment and related appurtenances; and
 - (b) One flush test;
 - (c) One hydrostatic test; and
 - (d) One final acceptance test;
- (7) Smoke control system:
 - (a) Plan review and inspection of system components; and
 - (b) One performance or acceptance test.

C. Final acceptance tests are to be witnessed by a State fire authority in accordance with administrative procedures established by that authority.

D. A fee applies if the tests outlined in § B of this regulation reveal that the system being inspected or tested does not meet applicable standards as follows:

- (1) First reinspection or retest—\$200; and
- (2) Each additional reinspection or retest—\$250.

.07 Fees for Fire Safety Inspections.

A. The fee schedule in this regulation is to be used to calculate the fee to be paid for a general fire safety inspection. Specific testing of certain specialized fire protection systems and equipment may be required by qualified maintenance personnel or a contractor at the owner's expense.

B. The following fees are to be applied based upon the occupancy classification for the building:

- (1) Assembly occupancy:
 - (a) 1,001 or more individuals—\$360;
 - (b) 301 to 1,000 individuals—\$240;
 - (c) 50 to 300 individuals—\$120;
 - (d) Fairgrounds for properties with:
 - (i) Nine buildings or less—\$240;
 - (ii) Ten buildings or more—\$480.
- (2) Educational occupancy:
 - (a) Elementary school, which includes kindergarten and prekindergarten facilities—\$120;
 - (b) Middle or junior high school—\$180;
 - (c) Senior high school—\$180;
 - (d) Family or group day care homes:
 - (i) Initial inspection—\$75;
 - (ii) Renewal inspection—\$50;
 - (e) Nursery or day care centers—\$100;
- (3) Health care occupancy:
 - (a) Ambulatory health care center—\$180 per 3,000 square feet or fraction of 3,000 square feet;

(b) Hospital, nursing home and limited care facility—\$120 per building plus \$2.50 per patient bed;

(4) Detention and correctional occupancy—\$120 per building plus \$2.50 per rated bed capacity;

(5) Residential occupancy:

(a) Hotel and motel—\$120 per building plus \$2.50 per guest room or suite;

(b) Dormitory—\$120 per building plus \$2.50 per bed;

(c) Apartment—\$120 per building plus \$2.50 per apartment;

(d) Lodging or rooming house—\$120 per building plus \$2.50 per bed;

(e) One and two family dwelling, including alternate living units and foster care homes—\$75;

(f) Board and care home—\$120 per building plus \$2.50 per bed;

(6) Mercantile occupancy:

(a) Class A—over 30,000 square feet—\$300;

(b) Class B—3,000 to 30,000 square feet—\$150;

(c) Class C—less than 3,000 square feet—\$100;

(7) Business occupancy—\$120 per 3,000 square feet or fraction of 3,000 square feet;

(8) Industrial or storage occupancy:

(a) Low or ordinary hazard—\$120 per 5,000 square feet or fraction of 5,000 square feet;

(b) High hazard—\$200 per 5,000 square feet or fraction of 5,000 square feet;

(9) Manufactured home sites and communities—\$120 per facility plus \$2.50 per site;

(10) Campgrounds:

(a) Vehicular campgrounds—\$120 per facility plus \$2.50 per campsite;

(b) Campgrounds with sleeping accommodations—\$180 per facility plus \$2.50 per bed;

(c) Campgrounds without sleeping accommodations—\$120 per facility;

(11) Outside storage of combustible materials, for example, scrap tire, lumber, mulch, tree stumps, etc.—\$60 per acre or fraction of an acre.

(12) Outside storage of flammable or combustible liquids/gases (drums or tanks)—\$120 per 5,000 square feet or fraction of 5,000 square feet.

(13) Marinas and piers—\$120 plus \$1.50 per slip.

C. A fee applies if more than one reinspection outlined in § B of this regulation is required to correct a previously identified fire code violation as follows:

(1) Second reinspection—\$200; and

(2) Each additional reinspection—\$250.

.08 Fees for Technical Assistance, Unclassified Inspections, and Special Events.

A. The fee schedule in this regulation is used to calculate the fee to provide technical assistance or unclassified inspections, to include special events, in the form of plan review or on-sites inspections.

B. A separate technical assistance fee shall be charged at the following rate and prorated to the nearest ½ hour:

- (1) Deputy fire marshal or fire safety inspector—\$75 per hour; and
- (2) Fire protection engineer—\$100 per hour.

C. Travel time to and from the meeting or inspection site shall be included when computing the fee.

D. When requested, a reasonable time to prepare written reports or research subsequent Code-related issues shall be included when computing the fee.

E. The fee shall be charged to the person officially requesting assistance and is payable upon receipt of an itemized invoice submitted in accordance with administrative procedures established by State fire authorities.

F. Failure to pay the fee within the required time shall result in appropriate administrative or legal action. Further plan review or inspection action may not take place until the fee is paid in full. This may result in delay of the issuance of a building permit, or use and occupancy permit for the building or facility.

.09 Disposition of Fees.

A. Fees collected by the State shall be deposited in the general fund of the State for the services provided.

B. Fees shall be collected and processed in accordance with fiscal procedures established by the State for the collection, disbursement, and accounting of funds.

Administrative History

Effective date: August 30, 1993 (20:17 Md. R. 1347)

Regulation .01 amended effective January 1, 2008 (34:17 Md. R. 1510)

Regulations .02—.04 amended and chapter recodified from COMAR 12.03.04 to COMAR 29.06.04 effective January 14, 1999 (26:1 Md. R. 25)

Regulation .03B amended effective January 1, 2004 (30:19 Md. R. 1336); January 1, 2008 (34:17 Md. R. 1510); April 1, 2012 (39:1 Md. R. 21)

Regulation .04 amended effective January 1, 2008 (34:17 Md. R. 1510); April 1, 2012 (39:1 Md. R. 21)

Regulation .04B, G amended effective January 1, 2004 (30:19 Md. R. 1336)

Regulation .05 amended effective January 1, 2004 (30:19 Md. R. 1336); January 1, 2008 (34:17 Md. R. 1510); April 1, 2012 (39:1 Md. R. 21)

Regulation .05A amended effective November 1, 2014 (41:20 Md. R. 1113)

Regulation .06 amended effective January 1, 2004 (30:19 Md. R. 1336); January 1, 2008 (34:17 Md. R. 1510); April 1, 2012 (39:1 Md. R. 21)

Regulation .07B amended and C adopted effective January 1, 2004 (30:19 Md. R. 1336)

Regulation .07B, C amended effective January 1, 2008 (34:17 Md. R. 1510); April 1, 2012 (39:1 Md. R. 21)

Regulation .08 amended effective January 1, 2008 (34:17 Md. R. 1510)

Regulation .08B amended effective January 1, 2004 (30:19 Md. R. 1336); January 1, 2008 (34:17 Md. R. 1510)

Regulation .09 amended effective January 1, 2008 (34:17 Md. R. 1510)

Chapter revised effective January 1, 2013.

Chapter 05 Fire Sprinkler Contractor Licensing Regulations

Authority: Public Safety Article, §§ 6-206 and 9-901-9-905, Annotated Code of Maryland

.01 Purpose.

This chapter establishes licensing requirements for persons who inspect, test, perform maintenance on, install, repair, modify, or lay out fire sprinkler systems in any residential or commercial building in Maryland.

.02 Scope.

A. Except as provided in § B of this regulation, a person who inspects, tests, performs maintenance on, installs, repairs, modifies, or lays out fire sprinkler systems in any residential or commercial building in the State shall apply to, and obtain from, the State Fire Marshal, a fire sprinkler contractor license, as provided for in Regulation .04 of this chapter.

B. A license is not required for the following activities:

(1) Inspections and tests by insurance representatives acting in the performance of their assigned duty;

(2) Inspections, tests, and repairs by a full-time maintenance employee of the property owner, knowledgeable about fire sprinkler systems, acting in the performance of the employee's assigned duty for the property owner;

(3) Inspections, tests, plan review, and ensuring the maintenance of, and any emergency maintenance activity on, a fire sprinkler system, or restoration of an operating, or recently operated, fire sprinkler system to active service by an individual acting in the individual's capacity as a member of a state, county, municipal, career, or volunteer fire department, or authority having jurisdiction;

(4) Installation of a limited area fire sprinkler system or emergency temporary repairs performed by a licensed master plumber in accordance with COMAR 29.06.01;

(5) Inspections, tests, preparation of design and specification documents, hydraulic calculations, layout, and plan review of fire sprinkler systems by a Maryland-registered professional engineer knowledgeable about fire sprinkler systems; or

(6) Installation, testing, servicing, and maintenance of specialized equipment that is associated with automatic fire sprinkler systems, but not regulated by the specific provisions of NFPA 13, NFPA 13D, or NFPA 13R, performed by persons under the responsible charge of a licensed fire sprinkler contractor who shall verify that such persons have the appropriate qualifications and certifications to perform these specific functions and who shall be responsible for the installation and continued approved operation of all equipment associated with the fire sprinkler system.

C. These regulations are minimum Statewide requirements which are not intended to prohibit any jurisdiction from adopting a more stringent local law or ordinance which establishes standards or qualifications for fire sprinkler contractors.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Designated qualified individual” means an owner or permanent and dedicated employee of a fire sprinkler contractor, who is responsible for overseeing work performed by other persons employed by the contractor, and who possesses the required NICET or equivalent qualification or professional engineer qualifications in accordance with the appropriate class of license as listed in this chapter.

(2) “Fire sprinkler contractor” means a person that inspects, tests, performs maintenance on, installs, repairs, modifies, or lays out a fire sprinkler system in accordance with standards adopted by reference in COMAR 29.06.01.

(3) “Fire sprinkler system” means a sprinkler system for fire protection purposes which:

(a) Is an integrated system of piping laid out in accordance with standards adopted in COMAR 29.06.01;

(b) Includes, as the portion of the fire sprinkler system above ground, a network of specially sized or hydraulically designed piping and associated equipment installed in a building, structure, or area, generally overhead, and to which fire sprinklers are connected in a systematic pattern;

(c) Is activated by a device capable of detecting heat or combustion by-products produced by a fire, and which discharges water over the fire area; and

(d) Does not include the first connection to a potable water supply that is downstream of a backflow preventer, and the final connection that discharges indirectly into a public or private disposal system, sanitary drainage facility, or storm drainage facility.

(e) Includes potable water multipurpose piping systems as defined in NFPA 13D.

(4) “International Building Code” means the edition of the *International Building Code*, with amendments, which is currently adopted by reference in COMAR 29.06.01.

(5) “Layout” means the preparation of shop drawings implementing engineering contract documents and applicable codes and standards.

(6) “Limited Area Fire Sprinkler System” means a:

(a) Fire sprinkler system, except a system installed in a townhouse or other single family dwelling, which is laid out within one fire area, and which is enclosed within approved separation assemblies, with no more than 20 sprinklers based on the spacing limitations of NFPA 13, and laid out in accordance with the *International Building Code*, and which has a water supply that consists of one of the following:

(i) A standpipe system capable of supplying a 500 gallon/minute (1890 liters) minimum flow and which has an automatic water supply, or

(ii) A connection in compliance with the Maryland State Plumbing Code to a domestic water system laid out to adequately support the design flow of the largest number of sprinklers required to be hydraulically calculated by NFPA 13 in any fire area plus the domestic demand; or

(b) Fire sprinkler system consisting of not more than six sprinklers for any isolated hazardous area connected to a domestic water supply having a

capacity sufficient to provide 0.15 gallon/minute/square foot (6.1 liter/minute/square meter) of floor area throughout the entire enclosed area installed in accordance with NFPA 101.

(7) “NFPA” refers to standards produced by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, which are currently adopted by reference in COMAR 29.06.01.

(8) “NICET” means the National Institute for the Certification in Engineering Technologies.

(9) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.

(10) “State Fire Marshal” means the Fire Marshal for the State of Maryland or, in the Fire Marshal’s absence, an individual who has been specially designated by the State Fire Marshal to enforce the provisions of this chapter.

(11) “Workmanlike manner” means a quality of work typical of the standard recognized within the industry and befitting a skilled workman or craftsman.

.04 Licensure.

A. Each fire sprinkler contractor who performs work in Maryland shall possess a valid license of the appropriate class as listed in this regulation. A fire sprinkler contractor, except a person exempt under this chapter or Public Safety Article, § 9-903(b), Annotated Code of Maryland, who inspects, tests, performs maintenance on, installs, repairs, modifies, or lays out a fire sprinkler system in a residential or commercial building in the State shall possess a valid license under this regulation. The following table illustrates the capabilities of each class of the sprinkler contractor license:

<i>Function</i>	<i>Class I</i>	<i>Class IIa</i>	<i>Class IIb</i>	<i>Class IIc</i>	<i>Class IId</i>	<i>Class IIIa</i>	<i>Class IIIb</i>	<i>Class IIIc</i>
Inspect	All							
Test	All							
Maintain	All							
Install		Res		Res	13D	All		All
Repair		Res		Res	13D	All		All
Modify		Res		Res	13D	All		All
Layout			Res	Res			All	All

Where “All” indicates that the function may be performed on commercial or residential systems in accordance with NFPA 13, 13D, and 13R; “Res” indicates that the function may be performed on residential systems in accordance with NFPA 13D and 13R only; and “13D” indicates that the function may be performed on residential systems in accordance with NFPA 13D only.

B. Class I Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the inspection, testing, and performance of maintenance of residential or commercial fire sprinkler systems that are in accordance with NFPA 13, NFPA 13D, or NFPA 13R shall possess a class I fire sprinkler contractor license.

(2) To obtain a class I fire sprinkler contractor license, a person shall:

(a) Have not less than 3 years experience in the inspection, testing, and performance of maintenance of residential and commercial fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, inspection, and testing of water-based systems.

C. Class IIa Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the installation, repair, or modification of residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R shall possess a class IIa fire sprinkler contractor license.

(2) To obtain a class IIa fire sprinkler contractor license, a person shall:

(a) Have not less than 3 years experience in the installation, repair, or modification of residential fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

(3) For potable water multipurpose piping systems, contractors shall also possess a Maryland master plumber license, and shall comply with all applicable provisions of the Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

D. Class IIb Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the layout of residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R shall possess a class IIb fire sprinkler contractor license.

(2) To obtain a class IIb fire sprinkler contractor license, a person shall:

(a) Have not less than 3 years experience in the layout of residential fire systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

E. Class IIc Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the installation, repair, modification, and layout of residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R shall possess a class IIc fire sprinkler contractor license.

(2) To obtain a class IIc fire sprinkler contractor license, a person shall:

(a) Have not less than 3 years experience in the installation, repair, modification and layout of residential fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

(3) For potable water multipurpose piping systems, contractors shall also possess a Maryland master plumber license, and shall comply with all applicable provisions of the Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

F. Class IId Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the installation, repair, or modification of residential fire sprinkler systems that are in accordance with NFPA 13D shall possess a class IId fire sprinkler contractor license.

(2) To obtain a class IId fire sprinkler contractor license, a person shall:

(a) Possess a Maryland master plumber license and comply with all applicable provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

G. Class IIIa Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the installation, repair, or modification of commercial and residential fire sprinkler systems that are in accordance with NFPA 13, 13D, or 13R shall possess a class IIIa fire sprinkler contractor license.

(2) To obtain a class IIIa fire sprinkler contractor license, a person shall:

(a) Have not less than 5 years experience in the installation, repair or modification of commercial and residential fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

(3) For potable water multipurpose piping systems, contractors shall also possess a Maryland master plumber license, and shall comply with all applicable provisions of the Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

H. Class IIIb Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the layout of commercial or residential fire sprinkler systems that are in accordance with NFPA 13, 13D, or 13R shall possess a class IIIb fire sprinkler contractor license.

(2) To obtain a class IIIb fire sprinkler contractor license, a person shall:

(a) Have not less than 5 years experience in the layout of commercial and residential fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level III or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

I. Class IIIc Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the installation, repair, modification, and layout of commercial or residential fire sprinkler systems that are in accordance with NFPA 13, 13D, or 13R shall possess a class IIIc fire sprinkler contractor license.

(2) To obtain a class IIIc fire sprinkler contractor license, a person shall:

(a) Have not less than 5 years experience in the installation, repair, modification and layout of commercial and residential fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level III or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

(3) For potable water multipurpose piping systems, contractors shall also possess a Maryland master plumber license, and shall comply with all applicable provisions of the Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

J. A person may not be permitted to serve as a designated qualified individual for more than three licensed fire sprinkler contractors.

K. Additional Authorized Work.

(1) A fire sprinkler contractor in possession of a class IIIa fire sprinkler contractor license may engage in any fire sprinkler system work covered by a class IIa or class IId fire sprinkler contractor license.

(2) A fire sprinkler contractor in possession of a class IIIb fire sprinkler contractor license may engage in any fire sprinkler system work covered by a class IIb fire sprinkler contractor license.

(3) A fire sprinkler contractor in possession of a class IIIc fire sprinkler contractor license may engage in any fire sprinkler system work covered by all other classes of fire sprinkler contractor licenses except class I.

(4) A fire sprinkler contractor in possession of a class IIa fire sprinkler contractor license may engage in any fire sprinkler system work covered by a class IId fire sprinkler contractor license only on residential sprinkler systems that are in accordance with NFPA 13D or NFPA 13R.

(5) A fire sprinkler contractor in possession of a class IIc fire sprinkler contractor license may engage in fire sprinkler system work covered by a class IIa, class IIb, or class IId fire sprinkler contractor license only on residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R.

L. Fire Sprinkler System Layout.

(1) Layout of plans and preparation for automatic fire sprinkler systems shall be prepared under the supervision of one of the following:

(a) The designated qualified individual employed by a fire sprinkler contractor who meets the qualification listed for the appropriate license classification under § D, E, H, or I of this regulation; or

(b) A Maryland registered professional engineer, knowledgeable in areas about fire sprinkler systems.

(2) Plans shall be marked with the fire sprinkler contractor license number and one of the following:

(a) The designated qualified individual's original signature, NICET level, certification number, and expiration date; or

(b) The original signature and seal of a professional engineer who is registered in Maryland.

(3) Plans submitted utilizing an electronic format shall be marked with the fire sprinkler contractor license number and one of the following:

(a) The designated qualified individual's digital signature, NICET level, certification number and expiration date; or

(b) The digital signature and seal of a professional engineer who is registered in Maryland.

M. Notification Requirements.

(1) Within 14 days of any change of address, the fire sprinkler contractor shall:

(a) Notify the Office of the State Fire Marshal in writing of the change;

(b) Return the license certificate requiring the revision; and

(c) Submit the fee as specified in § Q of this regulation for a revised license certificate.

(2) Within 5 business days from the termination of a designated qualified individual, the fire sprinkler contractor shall notify the Office of the State Fire Marshal in writing of the termination.

(3) Within 30 days of termination of the designated qualified individual, or prior to the expiration of a current license, whichever occurs first, the fire sprinkler contractor shall submit a new application to the Office of the State Fire Marshal identifying the new designated qualified individual as defined in Regulation .03 of this chapter.

(4) Within 14 days of any change to information submitted on the license application, the fire sprinkler contractor shall notify the Office of the State Fire Marshal in writing of the change.

N. License Expiration. All fire sprinkler contractor licenses expire 2 years after the date issued.

O. Liability Insurance Requirements.

(1) To hold any class fire sprinkler contractor license, a person shall maintain continuous comprehensive general liability insurance coverage and provide proof of this coverage in the form of a certificate of insurance with a 30-day cancellation notification provision. The Office of the State Fire Marshal shall be named as the certificate holder. Coverage under this subsection shall include:

(a) A minimum of \$1,000,000 combined single limit bodily injury or death and property damage liability insurance; and

(b) Products and completed operations insurance.

(2) Failure to maintain the required coverage is considered sufficient grounds for suspension or revocation of the license.

P. Application.

(1) An application for an initial fire sprinkler contractor license shall be made to the State Fire Marshal on a form designated by the State Fire Marshal.

(2) An application for renewal of a fire sprinkler contractor license shall be submitted to the Office of the State Fire Marshal at least 30 days before the expiration date of the license on a form designated by the State Fire Marshal.

(3) The application shall be signed by the sole proprietor, by each partner of the partnership, or by an officer of the corporation or organization.

(4) Proof of the required insurance coverage, in the form of a certificate of insurance with a 30-day cancellation notification provision shall be submitted with the application. The Office of the State Fire Marshal shall be named as the certificate holder.

(5) Proof of current NICET qualification or professional engineer registration status shall be submitted with the application.

(6) The appropriate nonrefundable fee as specified in § Q of this regulation shall be submitted with the application.

Q. Fees.

(1) A nonrefundable fee set by the State Fire Prevention Commission shall be paid to the Office of the State Fire Marshal to obtain or renew a fire sprinkler contractor license or for services as follows:

(a) Initial application—\$300;

(b) Renewal application—\$200; and

(c) Duplicate or revised license certificate—\$25.

(2) A fire sprinkler contractor who does not submit a renewal application on or prior to the expiration date of the license shall pay a late fee of \$300 in addition to the license renewal fee.

(3) The State Fire Marshal shall collect the fees, keep all records of fees paid, and pay all fees collected to the General Fund of the State.

.05 Denial, Suspension, and Revocation of Applications and Licenses.

A. The State Fire Marshal may deny a license to an applicant, reprimand a licensee, or suspend or revoke a fire sprinkler contractor license if the applicant or licensee:

(1) Willfully makes any false statement or misrepresentation in an initial or renewal license application;

(2) Assists a person in fraudulently or deceptively obtaining, or attempting to obtain, a license;

(3) Fails to satisfy or maintain any of the requirements set forth in Regulation .04 of this chapter;

(4) While unlicensed, performs fire sprinkler work that requires a license under this chapter;

(5) Signs or affixes the licensee's seal to any plan, print, specification, or report that has not been prepared by the licensee, either personally or under the licensee's immediate supervision;

(6) Violates COMAR 29.06.01 or any other regulation adopted by the State Fire Prevention Commission (by the fire sprinkler contractor or any employee of the fire sprinkler contractor); or

(7) Is convicted of any felony or misdemeanor violation of the State Fire Code or the fire code of any other state or the District of Columbia (by the fire sprinkler contractor or applicant, or any employee of the fire sprinkler contractor or applicant).

B. In determining whether the criminal conviction may serve as the basis for denial, suspension, revocation, or the issuance of a reprimand, the State Fire Marshal shall consider the following factors:

- (1) The nature of the crime;
- (2) The relationship of the crime to the activities authorized by the license;
- (3) The relevance of the conviction to the fitness and qualification of the applicant or licensee to perform work authorized by the license;
- (4) Any other crimes of which the applicant or licensee has been convicted;
- (5) The length of time since the conviction; and
- (6) The conduct of the applicant or licensee before and after the conviction.

.06 Hearings for Denied, Suspended, and Revoked Applications and Licenses.

A. Except as provided in Regulation .07 of this chapter, and before any action is taken under Regulation .05 of this chapter, the State Fire Marshal shall mail to the applicant or fire sprinkler contractor at the last known address of the applicant or fire sprinkler contractor written notice stating:

- (1) The basis for the contemplated action; and
- (2) That the applicant or fire sprinkler contractor may request a hearing before the State Fire Prevention Commission by mailing or delivering a written request to the Commission within 20 days of the date of the written notice.

B. If an applicant or fire sprinkler contractor requests a hearing, the hearing shall be conducted by the State Fire Prevention Commission in accordance with COMAR 29.06.02.

C. Except as provided in Regulation .07 of this chapter, the State Fire Marshal may not act to deny, suspend, revoke, or reprimand until after the decision of the State Fire Prevention Commission or until after the time for requesting a hearing has expired.

.07 Summary Suspension.

A. The State Fire Marshal may order summarily the suspension of a license if the State Fire Marshal finds that the public health, safety, or welfare imperatively requires emergency action.

B. The State Fire Marshal shall promptly give the fire sprinkler contractor/licensee:

- (1) Written notice of the suspension, the finding, and the reasons that support the finding; and
- (2) An opportunity for a hearing before the State Fire Marshal.

.08 Appellate Procedure.

A person aggrieved by a final decision of the State Fire Prevention Commission is entitled to judicial review, as provided in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland

.09 Penalties.

A. Unless otherwise exempt, a person may not inspect, test, perform maintenance on, install, repair, modify, or lay out any fire sprinkler system in a residential or commercial building in the State without first obtaining the appropriate license required under this chapter.

B. A person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine of \$1,000 or imprisonment for not more than 10 days, or both.

Administrative History

Effective date: January 1, 2000 (26:25 Md. R. 1899)

Chapter revised effective May 12, 2003 (30:9 Md. R. 615)

Regulation .02B amended effective August 11, 2008 (35:16 Md. R. 1392); May 7, 2018 (45:9 Md. R. 463)

Regulation .03B amended effective August 11, 2008 (35:16 Md. R. 1392); October 7, 2019 (46:20 Md. R. 847)

Regulation .04 amended effective August 11, 2008 (35:16 Md. R. 1392)

Regulation .04L amended effective May 7, 2018 (45:9 Md. R. 463)

Regulation .05A amended effective August 11, 2008 (35:16 Md. R. 1392)

Chapter 06 Repealed**Administrative History**

Effective date: November 15, 1999 (26:23 Md. R. 1778)

Chapter repealed effective January 1, 2010 (36:25 Md. R. 1956)

Chapter 07 Ground-Based Sparkling Devices

Authority: Public Safety Article, §§ 6-206 and 10-109, Annotated Code of Maryland (Amended Effective January 1, 2013)

.01 Purpose.

This chapter establishes minimum requirements for the wholesale, retail sale, and distribution of ground-based sparkling devices.

.02 Application and Scope.

A. This chapter applies to the wholesale, retail sale, and distribution of ground-based sparkling devices.

B. This chapter does not apply to a municipal corporation or county which has adopted more stringent regulations.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Class C mercantile occupancy” means a mercantile occupancy of not more than 3,000 square feet gross area used for sales purposes on one story only, excluding mezzanines.

(2) “Ground-based sparkling device” means a device that is:

(a) Nonaerial;

(b) Nonexplosive;

(c) Labeled in accordance with the requirements of the U.S. Consumer Products Safety Commission; and

(d) Considered consumer fireworks as defined in NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01.

(3) “Open-air mercantile operation” means an operation conducted outside of all structures, with the operations area devoid of all walls and roofs except for small, individual, weather canopies.

(4) “Prepackaged ground-based sparkling device merchandise” means ground-based sparkling device items or groups of ground-based sparkling device items that have been packaged by the manufacturer or distributor before they are offered for sale to the consumer.

.04 Registration of Distributors and Wholesalers.

A. A distributor or wholesaler of sparklers or sparkling devices that intends to conduct business in the State, or sells, ships, or assigns for sale in the State the products of the distributor or wholesaler, shall register annually with the Office of the State Fire Marshal on forms prescribed by the State Fire Marshal.

B. Registration forms may be obtained at the Office of the State Fire Marshal Headquarters, 1201 Reisterstown Road, Building C, Pikesville, MD 21208 and at State Fire Marshal installations throughout the State.

C. Completed registration forms and a nonrefundable annual fee of \$750 shall be forwarded to the Office of the State Fire Marshal Headquarters.

D. Upon confirmation of registration, the registrant shall submit to the Office of the State Fire Marshal a list of all retail sales facilities located in the State receiving ground-based sparkling devices for sale to the general public and the locations of the facilities.

.05 Sales and Storage of Ground-Based Sparkling Devices.

A. Wholesalers and distributors of ground-based sparkling devices shall comply with the permits and approvals requirements and Chapter 65 “Explosives, Fireworks, and Model Rocketry” of NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01, unless otherwise modified by this chapter.

B. Ground-based sparkling devices may be sold or distributed in any of the following buildings or structures:

(1) Permanent buildings or structures constructed in accordance with the codes enforced by the authority having jurisdiction;

(2) Tents, canopies, or temporary membrane structures complying with NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01;

(3) Temporary structures measuring 800 square feet or less, constructed in accordance with this chapter; and

(4) Temporary ground-based sparkling device sales or distribution stands greater than 800 square feet in area which meet the requirements for a permanent structure.

C. All storage of ground-based sparkling devices:

(1) Shall be secured to prevent unauthorized access by the public;

(2) May not be located in direct sunlight; and

(3) May not exceed 5 percent of the basement floor area if located in a basement.

D. Ground-based sparkling devices sales and distribution facilities may not be located in basements.

.06 Quantities.

A. Except for permanent buildings and structures used exclusively for sale and distribution of ground-based sparkling devices, permanent buildings and structures may not have more than 5 percent of their gross sales or distribution floor area for ground-based sparkling devices display.

B. Open-air mercantile operations may not exceed:

(1) 200 pounds pyrotechnic composition; or

(2) If the pyrotechnic composition weight is not known, 800 pounds gross weight.

.07 Displays.

A. All ground-based sparkling devices merchandise offered for sale or distribution shall be prepackaged with a packaging arrangement which completely encapsulates the ground-based sparkling device item or items with paperboard, cardboard, plastic wrap, or similar materials or combinations of materials. The encapsulation shall ensure that an individual must puncture, tear, unseal, or break open the package, or otherwise damage or destroy the packaging materials in order to gain access to, and directly handle, each individual ground-based sparkling device item to expose its fuse.

B. A display may not exceed 3,000 square feet unless the building or structure in which it is located is protected throughout by an approved automatic sprinkler system.

C. Height and Clearance. Ground-based sparkling devices on display or located on shelves, counters, or other fixtures may only be displayed with at least an 18-inch clearance from the ceiling and in temporary sales or distribution stands where the interior is not accessible to the general public, not higher than 8 feet from the floor surface.

.08 Fire Protection.

Portable fire extinguishers shall be installed as required for extra-hazard occupancy protection and shall comply with NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01.

.09 Means of Egress.

A. Means of egress in ground-based sparkling devices sales or distribution facilities shall comply with the requirements of NFPA 101 Life Safety Code as

incorporated by reference in COMAR 29.06.01, unless otherwise modified by this regulation.

B. Means of egress in tents and membrane structures used for the sales or distribution of ground-based sparkling devices shall comply with NFPA 101 Life Safety Code as incorporated by reference in COMAR 29.06.01 and NFPA 102 Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, unless otherwise modified by this regulation.

C. An approved fire safety and evacuation plan shall:

- (1) Be in writing;
- (2) Be maintained current; and
- (3) Be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the facility.

D. Exit openings from tents shall have a clear opening width of at least 44 inches.

.10 Sources of Ignition.

Electrical wiring shall be in accordance with NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01.

.11 (Repealed)

.12 Temporary Heating Sources.

Temporary heating units shall be listed by a testing laboratory approved by the Office of the State Fire Marshal and used in accordance with their listing.

.13 Generators.

A. Scope. This regulation does not limit the type and quantity of fuel for generators and their fuel storage located not less than 50 feet from the exterior of the sales or distribution facility.

B. Generators using flammable or combustible liquid or gas fuels supplying power to ground-based sparkling devices sales or distribution facilities may not be located less than 20 feet from the exterior of the sales or distribution facility.

C. Combustible and flammable liquid generator fuel may not:

- (1) Exceed 5 gallons; or
- (2) Be stored less than 20 feet from the exterior of a sales or distribution facility.

D. Flammable gas generator fuel may not:

- (1) Exceed 20 pounds; or
- (2) Be stored less than 20 feet from the exterior of a sales or distribution facility.

.14 Personnel.

A. At least one individual 18 years old or older shall be:

- (1) Present at all times in sales and distribution facilities during the hours of sale and distribution to the public; and

(2) Responsible for supervision of the facility and its operation.

B. All personnel handling ground-based sparkling devices shall be 16 years old or older.

C. All personnel handling ground-based sparkling devices shall receive safety training related to the performance of their duties. Training shall include, but not be limited to, safe handling instructions, emergency procedures, and the use of portable fire extinguishers.

D. The distributor shall provide detailed safe handling instruction guidelines for sales and distribution personnel with all packing information for ground-based sparkling devices.

E. The distributor shall provide the retailer with a list of ground-based sparkling devices approved for sale by the Office of the State Fire Marshal.

F. Personnel may not sell ground-based sparkling devices to a person younger than 16 years old as set forth in Public Safety Article, § 10-112, Annotated Code of Maryland.

.15 Signs.

A. In facilities used exclusively for the sale or distribution of ground-based sparkling devices, a sign reading "PERSONS UNDER 16 MUST BE ACCOMPANIED BY, AND UNDER THE SUPERVISION OF, A RESPONSIBLE PERSON AT LEAST 18 YEARS OLD" shall be conspicuously posted in letters not less than 1 inch high, on a contrasting background, at each entrance to the sales or distribution facility to which the general public has access to the interior.

B. Where not otherwise required by local or state laws, ordinances, or regulations, a sign reading "NO GROUND-BASED SPARKLING DEVICE SALES OR DISTRIBUTION TO PERSONS UNDER 16 YEARS OLD. PHOTO I.D. REQUIRED" shall be conspicuously posted in letters not less than 1 inch high at:

(1) Each entrance of the sales or distribution facility or in the vicinity of the ground-based sparkling device sales or distribution display; and

(2) The point of sale or distribution.

C. At least one sign reading "NO SMOKING OR OPEN FLAME DEVICES WITHIN 50 FEET", in letters at least 2-inches high on a contrasting background, shall be conspicuously posted at each entrance or within 10 feet of every aisle directly serving the ground-based sparkling device sale or distribution display area in the facility.

D. At least one sign reading "NO GROUND-BASED SPARKLING DEVICE DISCHARGE WITHIN 300 FEET", in letters at least 2-inches high on a contrasting background, shall be conspicuously posted in the vicinity of the ground-based sparkling device sales or distribution display, or as otherwise required by the authority having jurisdiction.

.16 (Repealed)

.17 Penalties.

A person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine of \$1,000, imprisonment for

not more than 10 days, or both, as set forth in Public Safety Article, § 6-601, Annotated Code of Maryland.

Administrative History

Effective date: January 1, 2000 (26:25 Md. R. 1899)

Chapter revised effective May 12, 2003 (30:9 Md. R. 615)

Regulation .02B amended effective August 11, 2008 (35:16 Md. R. 1392)

Regulation .03B amended effective August 11, 2008 (35:16 Md. R. 1392); amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .04 amended effective August 11, 2008 (35:16 Md. R. 1392); Regulation .04B amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .05A amended effective August 11, 2008 (35:16 Md. R. 1392); amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .05B amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .07A amended effective January 1, 2016 (42:23 Md. R. 1436)

Regulation .07A, C amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .08 amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .09 amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .10 amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .11 repealed effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .12 amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .14 amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .15 amended effective January 1, 2013 (39:23 Md. R. 1533)

Regulation .16 repealed effective January 1, 2013 (39:23 Md. R. 1533)

Title 29

DEPARTMENT OF STATE POLICE

Subtitle 07 OFFICE OF THE STATE FIRE MARSHAL

Chapter 01 Nongovernmental Electrical Inspectors

Authority: Public Safety Article, § 12-605, Annotated Code of Maryland

.01 Eligibility.

A. Except as provided under § B of this regulation, the following are the minimum eligibility qualifications to become a nongovernmental electrical inspector:

(1) Completion of an apprenticeship as an electrician;

(2) 5 years of documented progressive experience in the electrical trade; and

(3) Pass a written examination administered by the State Fire Marshal:

(a) One re-examination shall be permitted per initial application fee; and

(b) Re-examination must be scheduled not less than 30 days and not more than 90 days from the original examination date.

B. Instead of the experience required under § A of this regulation, an electrical engineering degree or accumulated credits in combination with education, training, and experience may be considered by the Office of the State Fire Marshal to meet the qualifications

.02 Certification.

A. An applicant for initial certification shall pay to the State Fire Marshal an application fee of \$100 and shall pass a comprehensive written examination.

B. Initial certifications are valid for varying amounts of time, depending on the date of certification.

C. Applicants are required to renew their certification before the expiration date by submitting a renewal application and a \$50 renewal fee to the State Fire Marshal.

D. Renewal certifications are valid for 3 years.

Administrative History

Effective date: February 12, 2007 (34:3 Md. R. 302)

Regulation .01A amended effective April 4, 2011 (38:7 Md. R. 433)

Regulation .02A, C amended effective April 4, 2011 (38:7 Md. R. 433)

Title 29**DEPARTMENT OF STATE POLICE****Subtitle 08 INVESTIGATIONS INVOLVING THE EXERCISE OF
FIRST AMENDMENT ACTIVITIES****Chapter 01 Covert Investigations and Criminal Intelligence**

Authority: Public Safety Article, § 3-701, Annotated Code of Maryland

.01 Definitions.

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) Covert Investigation.

(a) "Covert investigation" means an infiltration of or attempt to infiltrate a group or organization in a manner that conceals the identity of the law enforcement agency or the identity of an officer or agent of the law enforcement agency.

(b) "Covert investigation" does not include the use of plainclothes officers or employees for crowd control and public safety purposes at public events.

(2) "Criminal intelligence" means information concerning or related to the detection, investigation, deterrence, or prevention of crime or the apprehension and prosecution of a suspected criminal.

(3) "Department" means the Department of State Police.

(4) "First Amendment activities" means:

(a) Activities involving constitutionally protected speech or association;
or

(b) Conduct related to freedom of speech, free exercise of religion, freedom of the press, the right to assemble, or the right to petition the government.

(5) “Legitimate law enforcement objective” means the detection, investigation, deterrence, or prevention of crime, or the apprehension and prosecution of a suspected criminal.

(6) Reasonable, Articulate Suspicion of Criminal Activity.

(a) “Reasonable, articulable suspicion of criminal activity” means an objective, factual basis for initiating or pursuing an investigation, which basis is substantially less than that required to establish probable cause.

(b) “Reasonable, articulable suspicion of criminal activity” is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise.

.02 Purposes.

A. The purposes of this subtitle are:

(1) To establish the responsibilities of the Department related to investigations involving the exercise of First Amendment activities; and

(2) To recognize and respect the rights of persons, groups, and organizations engaged in First Amendment activities.

B. This subtitle applies only to investigations involving First Amendment activities.

.03 Policy.

A. The Department shall endeavor to maintain the appropriate balance between the constitutional rights afforded to each citizen and the legitimate needs of law enforcement.

B. The Department shall only engage in intelligence gathering, retention, and dissemination activities that may infringe on First Amendment rights to further legitimate law enforcement objectives and in accordance with the procedures and prohibitions set forth in this chapter.

.04 Procedures.

A. Covert Investigations Involving First Amendment Activities.

(1) The Department may not conduct a covert investigation of a person, a group, or an organization engaged in First Amendment activities unless the Secretary or designee makes a written finding that the covert investigation is justified because it is based on a reasonable, articulable suspicion that the person, group, or organization is planning or engaged in criminal activity and a less intrusive method of investigation is not likely to yield satisfactory results.

(2) The written finding shall, if possible, be made in advance of the initiation of the covert investigation or as soon thereafter as is practicable.

(3) Membership or participation in a group or organization engaged primarily in First Amendment activities does not alone constitute reasonable, articulable suspicion of criminal activity justifying a covert investigation.

(4) Reports.

(a) It is the responsibility of the sworn Criminal Intelligence Section (CIS) supervisor to ensure that all activities are properly reported and documented by the covert operative.

(b) A report shall be prepared on the approved Department form for each and every incident of contact between the covert operative and the target of the investigation.

(c) A report shall be submitted as soon as possible, but in no case later than 2 working days after the contact. Further delay in the submission of these reports requires the approval from the sworn CIS supervisor.

(d) Each report shall be reviewed and evaluated by the sworn CIS supervisor to determine if there is a continuing need to conduct the covert investigation involving First Amendment activities.

(e) The report shall be reviewed not later than 5 working days after its submission, and the decision whether or not to continue with the investigation shall be made in writing and include the reasons for continuing or discontinuing the investigation.

(5) An investigation involving First Amendment activities shall be terminated when logical leads have been exhausted or no legitimate law enforcement objective justifies the continuation of the investigation.

B. Collection, Dissemination, Retention, Database Inclusion, Purging and Auditing of Records Involving First Amendment Activities.

(1) The Department may not collect or maintain information solely about the political beliefs, ideologies, or associations of any person, group, or organization, unless the information is relevant to a criminal investigation or there is a reasonable, articulable suspicion that the person, group, or organization advocates, supports, or encourages the violation of any federal, State, or local criminal law that prohibits acts of terrorism, racketeering activity, as found in 18 U.S.C. § 1961, violence, extortion, destruction of property, intimidation, harassment, obstruction of justice, or fraud.

(2) Criminal intelligence related to First Amendment activities shall be reviewed by a supervisor prior to entry into any criminal intelligence file to ensure that:

(a) It is being retained in accordance with this regulation;

(b) It has been classified accurately; and

(c) It reflects the purpose for which the information is collected.

(3) The Department shall evaluate intelligence regarding First Amendment activities with respect to the reliability of the source and the validity and accuracy of the content.

(4) A record shall be kept of the source of all information.

(5) The Department may not knowingly include in its criminal intelligence files any information that has been obtained in violation of Public Safety Article, § 3-701, Annotated Code of Maryland.

(6) Criminal intelligence gathered and maintained by the Department regarding First Amendment activities may be disseminated only to appropriate persons for legitimate law enforcement objectives. Dissemination of criminal intelligence of the type described in this subtitle shall be recorded in such

a manner that the recipient of the intelligence, date of dissemination, manner of dissemination, and information disseminated are known.

(7) The Department shall disseminate criminal intelligence information regarding First Amendment activities only to law enforcement authorities who agree to follow procedures regarding information receipt, maintenance, security, and dissemination that are consistent with the principles underlying the procedures and prohibitions of this subtitle and applicable State and federal law.

(8) Review and Maintenance of Files.

(a) All criminal intelligence files related to First Amendment activities shall be maintained in accordance with the goals and objectives of this subtitle and to ensure that these files include information that is accurate, timely, and relevant.

(b) Reclassifying and purging information in the criminal intelligence files shall be done on an ongoing basis as documents are reviewed.

(c) All information retained as a result of this review shall reflect the name of the reviewer, date of the review, and an explanation of the decision to retain the information.

(d) Purging Files.

(i) If a file has no further informational value or meets the purging criteria of any applicable law, it shall be destroyed.

(ii) A record of purged files shall be maintained by the Department.

(iii) Any information that is misleading, obsolete, or otherwise unreliable shall be purged.

(9) Audit; Report.

(a) An audit of these criminal intelligence files is to be undertaken annually.

(b) The audit shall reflect whether documents have been created, retained, disseminated, and purged in accordance with State and federal law.

(c) The audit report shall be submitted to the Director, Criminal Intelligence Section, for review and implementation of any needed corrective actions.

C. Training and Review of Regulations.

(1) The Department shall ensure that all members assigned to the section receive training regarding this subtitle and applicable federal and State law.

(2) Training shall be documented in the member's training records.

(3) An annual review of this subtitle shall be conducted and new proposals made based on recent court decisions, changes in federal or State law, and national best practices.

Administrative History

Effective date: March 8, 2010 (37:5 Md. R. 432)

Index

A

ABANDONMENT.

Baby drop off.

Immunity from liability, CJ §5-641.

ABLE ACCOUNTS.

Income tax.

Adjusted gross income of individuals.

State adjustments to subtraction from federal adjusted gross income, TG §10-208.

Subtraction from federal adjusted gross income, TG §10-207.

ACCIDENTS.

Distress for rent.

Termination of tenancy for unavoidable accident, RP §8-112.

Landlord and tenant.

Effect of covenant to surrender premises in good repair, RP §8-113.

Termination of tenancy for unavoidable accident, RP §8-112.

Workers' compensation.

General provisions.

See WORKERS' COMPENSATION.

ACETONE.

Possession of destructive device, CR §§4-501 to 4-503.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS).

Consent to HIV testing, HG §§18-336, 18-338.1.

Correctional officers.

Notification of exposure to virus, HG §§18-213, 18-213.2.

Costs of HIV testing, HG §18-338.1.

Counseling.

Human immunodeficiency virus testing, HG §18-336.

Emergency medical care and services.

Notification of emergency medical technicians of exposure to virus, HG §§18-213, 18-213.2.

Exposure of infected persons.

Notification of exposure, HG §§18-213 to 18-213.2.

Fire department.

Notification of fire fighters or fire marshal of exposure to virus, HG §§18-213 to 18-213.2.

First responders.

HIV testing, HG §18-338.3.

Health care workers.

HIV testing, HG §18-338.3.

Identification.

Human immunodeficiency virus testing.

Patient identifying numbers, HG §18-336.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) —Cont'd

Informed consent for HIV testing, HG §§18-336, 18-338.1.

Law enforcement personnel.

Notification of exposure to virus, HG §§18-213, 18-213.2.

Notice.

Exposure to contagious disease or virus, HG §§18-213 to 18-213.2.

Patient identification numbers.

HIV testing, HG §18-336.

Positive test results, HG §18-336.

Privileged communications.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Notification of exposure to virus.

Breach of patient confidentiality, HG §18-213.

Human immunodeficiency virus testing.

Confidentiality of records, HG §18-338.1.

Refusal to consent to test.

Denial of services or treatment, prohibited, HG §18-336.

Rescue squads.

Notification of exposure to virus, HG §§18-213, 18-213.2.

ACTIONS.

Associations.

Actions by and against unincorporated associations, CJ §6-406.

Liability for judgment against unincorporated association, CJ §11-105.

Elevators.

Decision to prohibit use of unsafe elevator unit.

Action to modify or vacate decision, PS §12-814.1.

Law enforcement officers and personnel.

Right to sue.

Rights of officers generally, PS §3-103.

Motor vehicles.

Seat belts.

Emergency vehicles.

Failure to use.

Effect in civil actions, TR §22-412.4.

Volunteers.

Liability, CJ §5-407.

ADMISSIONS AND AMUSEMENT TAX.

Art.

Performing arts organizations.

Exemption, TG §4-104.

Associations.

Nonprofit community associations.

Exemption, TG §4-104.

INDEX

ADMISSIONS AND AMUSEMENT TAX

—Cont'd

Countries.

Authority to impose tax.
Restrictions, TG §4-103.

Exemptions, TG §4-104.

Municipal corporations.

Authority to impose tax.
Restrictions, TG §4-103.

Performing arts organizations.

Exemption, TG §4-104.

Wicomico county.

Tennis courts.
Exemption, TG §4-104.

ADVERTISING.

Fireworks.

Display or discharge of fireworks, PS
§10-108.

AED PROGRAM, ED §13-517.

**County boards of education to develop
and implement programs**, ED §7-425.

AFFIDAVITS.

Search warrants.

In support of warrant, required, sealing, CP
§1-203.

AGRICULTURE.

Building code.

Agricultural buildings.
Exemption from performance standards,
PS §12-508.

Motor vehicles.

Lights.
Slow moving farm vehicles, TR §22-218.

Taxation.

Income tax, subtractions from federal
adjusted gross income, TG §10-208.

AGRITOURISM.

Building code.

Exemption for agricultural buildings used
for agritourism, PS §12-508.

AIR CONDITIONERS.

**Environmental sound level limits and
noise control rules and regulations**,
EN §3-401.

ALARM SYSTEMS.

Audible systems.

Equipped to automatically silence, CR
§9-611.

Carbon monoxide alarms.

Installation in dwellings, PS §§12-1101 to
12-1106.

Deaf and hard of hearing.

Sale to or installation of.
State fire prevention code, PS §9-105.

Defective system.

Notice to user, use after notice, CR §9-610.

Definitions, CR §9-607.

False alarms, CR §9-608.

Multiple alarms, CR §9-609.

ALARM SYSTEMS —Cont'd

Smoke detectors, PS §§9-101 to 9-109.
See SMOKE DETECTORS.

ALCOHOLIC BEVERAGES.

Intoxicated persons.

Sales to prohibited.
Citation, crime charged by, CP §4-101.

Minors.

Selling or providing to underage
individuals.
Citation for violations, CP §4-101.

ALCOHOLIC BEVERAGE TAX.

Law enforcement personnel.

Charging documents against law
enforcement officers, CJ §2-608.

ALIENS.

Motor vehicles.

Drivers' licenses.
Exemption of nonresidents of United
States, TR §16-102.

ALLEGANY COUNTY.

Building code.

Agricultural buildings.
Exemption for buildings used for
agritourism, PS §12-508.

Fire department.

Firefighters appointed as deputy sheriffs,
PS §§7-301 to 7-304.

Noise control.

Trapshooting, skeet shooting, etc.
Limitations on authority, EN §3-401.

Sheriff.

Firefighters appointed as deputy sheriffs,
PS §§7-301 to 7-304.

AMBULANCES.

Commercial ambulance service fund, ED
§13-515.

Corporations.

Provision of fire, ambulance and rescue
services by for-profit entities, PS
§7-401.

Counties.

Ambulance services.
Licenses.
Preemption of local legislation, ED
§13-515.

Criminal law and procedure.

Impersonating firefighters or emergency
services personnel, PS §7-402.
Interference with or obstruction of
emergency assistance, PS §7-402.

Death in the line of duty.

Death benefits, PS §1-202.
Reward for information regarding person
who causes death, PS §1-201.

Definitions.

Ambulance services, ED §13-515.

Drivers' licenses, exemptions, TR §16-102.

Emergency vehicles.

General provisions.
See EMERGENCY VEHICLES.

AMBULANCES —Cont'd

Equipment and supplies.

Requirements, ED §13-515.

False alarms, CR §9-604.

False impersonations.

Impersonating firefighters or emergency services personnel, PS §7-402.

Fees.

Licenses.

Ambulance services, ED §13-515.

For-profit entities.

Provision of fire, ambulance and rescue services by for-profit entities, PS §7-401.

Funds.

Senator William H. Amoss fire, rescue and ambulance fund, PS §§8-101 to 8-106.

Volunteer company assistance fund, PS §§8-201 to 8-206.

Good Samaritan law.

Immunity for special personnel, CJ §5-603.

Hearings.

Ambulance services.

Licenses.

Denial of applications, suspension or revocation, ED §13-515.

Inspections.

Ambulance services, ED §13-515.

Exemption from mandatory inspections, TR §23-206.1.

Exemption stickers.

Display, TR §23-206.1.

Insurance.

Group life insurance for ambulance service organization members, IN §17-208.

Interference with or obstruction of emergency assistance, PS §7-402.

Licenses.

Ambulance services, ED §13-515.

Local regulation preempted, ED §13-515.

Medicaid.

Reimbursement for emergency service transporters, HG §15-114.1.

Misdemeanors.

Ambulance services.

Licenses.

Violations of section, ED §13-515.

Motor vehicles.

Emergency vehicles.

See EMERGENCY VEHICLES.

Municipal corporations.

Ambulance services.

Licenses.

Preemption of local legislation, ED §13-515.

911 emergency telephone system, PS

§§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Penalties.

Ambulance services.

Licenses.

Violations of section, ED §13-515.

AMBULANCES —Cont'd

Registration, TR §13-914.

Reward.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

Scholarships.

Ambulance companies or squads.

Scholarships for children or spouses of public safety employees killed in line of duty, ED §18-601.

Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

University of Maryland.

Emergency medical care and services, ED §13-515.

Vessels and boats.

Ambulance vessels.

Flashing red and yellow lights or signal devices.

Use, NR §8-727.1.

Volunteer company assistance fund, PS

§§8-201 to 8-206.

Waiver.

Licenses.

Ambulance services.

Waiver of requirements, ED §13-515.

AMERICAN LEGION.

Motor vehicle registration.

40-8 box car.

Exemption from registration fees, TR §13-903.

AMMONIUM NITRATE.

Possession of destructive device, CR

§§4-501 to 4-503.

AMOSS, SENATOR WILLIAM H.

Senator William H. Amoss fire, rescue and ambulance fund, PS §§8-101 to 8-106.

ANIMAL CONTROL.

Counties.

Bounties for killing wild animals and birds, LG §12-903.

ANNAPOLIS.

Fire and explosive investigator.

Authority of, CP §2-208.2.

ANNE ARUNDEL COUNTY.

Building code.

Agricultural buildings.

Exemption for buildings used for agritourism, PS §12-508.

Community college.

Police force.

Definitions.

Inclusion of members of force within definition of police officer, CP §2-101.

Fire and explosive investigator.

Authority of, CP §2-208.2.

INDEX

ANNE ARUNDEL COUNTY —Cont'd

Noise control.

- Trapshooting, skeet shooting, etc.
- Limitations on authority, EN §3-401.

Rescue squads.

- Workers' compensation.
- Volunteer fire company or rescue squad.
- Insurance coverage required, LE §9-402.

ANTHRAX.

Catastrophic health emergency.

- Disease surveillance and response program, HG §§18-901 to 18-908.
- Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

ANTI-ARSON APPLICATIONS FOR FIRE INSURANCE, IN §§19-301 to 19-309.

APARTMENTS.

Barbeque grills.

- Restrictions on use, PS §9-1001.

Building codes.

- Emergency power and lighting systems, PS §12-702.

Carbon monoxide alarms.

- Installation in multiple family dwellings, PS §§12-1101 to 12-1106.

Evacuation procedures, PS §§9-501 to 9-506.

Sprinkler systems, PS §§9-201 to 9-206.

APPEALS.

Building codes.

- Electrical code.
- Disciplinary actions against inspectors.
- Appeal of decision of fire marshal, PS §12-614.

Catastrophic health emergency disease surveillance and response program.

- Secretary's quarantine directive, HG §18-906.

Elevator licenses.

- Denial, refusal to renew, suspension or revocation, PS §12-838.

Fire marshal, PS §§6-501 to 6-503.

- Judicial review of commission's decision, PS §6-503.
- Procedure, PS §6-502.
- Right to file appeal to commission, PS §6-501.

Fire prevention commission, PS §§6-501 to 6-503.

- Judicial review of commission's decision, PS §6-503.
- Procedure, PS §6-502.
- Right to file appeal to commission, PS §6-501.

Orders of compliance.

- High-rise buildings, PS §9-404.

Postmortem examiners.

- Autopsies by medical examiners.
- Refusal to correct findings and conclusions, HG §5-310.

APPEALS —Cont'd

Public safety.

- Death in the line of duty, PS §1-202.

Quarantine.

- Catastrophic health emergency disease surveillance and response program.
- Secretary's quarantine directive, HG §18-906.

Volunteer company assistance fund.

- Requests for money, PS §8-204.

APPLIANCES.

Electrical consumer products.

- Unfair or deceptive trade practices, CL §13-308.

APPROPRIATIONS.

Universities and colleges.

- Richard W. Collins III leadership with honor scholarship program, ED §18-605.

Vessels and boats.

- Waterways improvement districts.
- Waterways improvement fund, NR §8-707.

Volunteer company assistance fund, PS §§8-202, 8-205.

ARCHAEOLOGICAL RESOURCES.

Rural legacy program.

- Protection of archaeological areas, NR §5-9A-05.

ARREST.

Anne Arundel county or city of Annapolis fire and explosive investigator.

- Authority to make arrests, CP §2-208.2.

Arson.

- Fire marshal's authority.
- Warrantless arrest for specified violations, CP §2-208.

Authority of police officers generally, CP §2-102.

Correctional officers.

- Warrantless arrest, authority of employees, CP §2-207.

Destructive devices.

- Warrantless arrest.
- Fire marshal's authority, CP §2-208.

Domestic violence.

- Protective orders.
- Warrantless arrests for violation, CP §2-204.1.
- Warrantless arrest authorized, CP §2-204.

Federal law enforcement officers.

- Immunity from suit, CJ §5-611.
- Powers, CP §2-104.
- United States park police officers, CP §2-104.1.

Fire marshal and assistants.

- Authority, PS §6-311.
- Warrantless arrest, authority, CP §2-208.

Forms.

- Design by district court judges, CJ §1-605.

INDEX

ARREST —Cont'd

Home detention, warrantless arrest of inmates on.

Authority of persons monitoring inmates, CP §2-207.

Howard county fire and explosive investigator.

Authority to make arrests, CP §2-208.6.

Local correctional officers.

Warrantless arrest authority, CP §2-207.

Montgomery county fire and explosive investigator.

Authority to make arrests, CP §2-208.1.

Parole and probation employees supervising inmates on home detention.

Warrantless arrest authority, CP §2-207.

Police.

Authority generally, CP §2-102.

Federal law enforcement officers, CJ §5-611.

Powers of police officers generally, CP §2-102.

Prince George's county fire and explosive investigator.

Authority to make arrests, CP §2-208.3.

Protective orders.

Domestic violence.

Warrantless arrests for violation, CP §2-204.1.

Specified crimes, warrantless arrest authorized, CP §2-203.

Domestic abuse, CP §2-204.

Fire marshal and assistants, authority, CP §2-208.

Stalking, CP §2-205.

Stalking, warrantless arrest authorized, CP §2-205.

State correctional officers.

Warrantless arrest authority, CP §2-207.

State fire marshal and assistants.

Warrantless arrest, authority, CP §2-208.

Warrants.

Destruction.

Powers and duties of chief judge of District Court, CJ §1-605.

District Court judges.

Destruction of warrants, CJ §1-605.

Worcester county fire and explosive investigator.

Authority to make arrests, CP §2-208.4.

ARREST WARRANTS.

Arson or burning.

Charging document, CR §6-111.

Destruction.

Powers and duties of chief judge of District Court, CJ §1-605.

District Court judges.

Destruction of warrants, CJ §1-605.

Federal law enforcement officers, execution, CP §2-104.

ARSON AND BURNING, CR §§6-101 to 6-111.

Anti-arson applications for fire insurance, IN §§19-301 to 19-309.

Arrest without a warrant.

Fire marshal's authority, CP §2-208.

Arson in the first degree, CR §6-102.

Arson in the second degree, CR §6-103.

Attempt to burn structure or property, CR §6-109.

Burning trash container, CR §6-108.

Burning with intent to defraud, CR §6-106.

Charging document, CR §6-111.

Definitions, CR §6-101.

Fire marshal.

Warrantless arrest of person committing specified violations, CP §2-208.

Insurance.

Fire insurance application act, IN §§19-301 to 19-309.

Malicious burning.

Warrantless arrest, CP §§2-203, 2-208.

Malicious burning of personal property in the first degree, CR §6-104.

Malicious burning of personal property in the second degree, CR §6-105.

Separate units, separate violations, CR §6-110.

Threat of arson, CR §6-107.

Warrantless arrest, CP §§2-203, 2-208.

Fire marshal's authority, CP §2-208.

ARSON IN THE FIRST DEGREE, CR §6-102.

ARSON IN THE SECOND DEGREE, CR §6-103.

ASBESTOS.

Occupational safety and health.

Asbestos protective clothing.

Prohibitions, LE §5-601.

ASSIGNMENTS.

Insurance.

Fire insurance antiarson applications.

Assignment of policy or contract, IN §19-304.

ASSISTED LIVING PROGRAMS.

Elevators.

Regulations to authorize installation, PS §12-805.

Emergency management plans, PS §14-110.1.

ASSISTED SUICIDE, CR §§3-101 to 3-104.

Definitions, CR §3-101.

Exceptions, CR §3-103.

Family care giver.

Exception, CR §3-103.

Generally, CR §3-102.

Palliative care, pain relief.

Exception, CR §3-103.

Penalty, CR §3-104.

INDEX

ASSISTED SUICIDE —Cont'd

Withholding life sustaining procedures.

Exception, CR §3-103.

ASSOCIATIONS.

Actions.

By or against unincorporated associations,
CJ §6-406.

Liability for judgment against
unincorporated association, CJ §11-105.

Admissions and amusement tax.

Nonprofit community associations.

Exemption, TG §4-104.

Community associations.

Liability.

Personal liability of agents, CJ §5-406.

Definitions, CJ §5-406.

Homeowners' associations.

Liability.

Personal liability of agents, CJ §5-406.

Judgments and decrees.

Liability for judgment against
unincorporated association, CJ §11-105.

ATHLETICS.

Clubs.

Agents.

Personal liability, CJ §5-406.

ATTEMPT TO BURN STRUCTURE OR PROPERTY, CR §6-108.

ATTEMPT TO COMMIT CRIME.

Attempt to burn structure or property, CR §6-108.

ATTORNEY GENERAL.

Cigarettes.

Fire safety performance standards for
cigarettes.

Enforcement powers, BR §16-609.

Fire safety performance standards for cigarettes.

Enforcement powers, BR §16-609.

AUCTIONS.

General services department.

Excess and surplus property.

Disposal of property, SF §4-504.

AUDIBLE ALARM SYSTEMS.

Equipped to be silenced, CR §9-611.

AUDITS.

Baltimore City board of liquor license commissioners.

Performance audit, SG §2-1220.

Charities.

Registration statements, BR §6-402.

Elevator safety review board fund, PS §12-824.1.

911 trust fund.

Appropriations and disbursements, PS
§1-309.

Prince George's county board of liquor license commissioners.

Performance audit, SG §2-1220.

AUDITS —Cont'd

Schools.

Office of legislative audits.

Local school systems.

Required and authorized audits, SG
§2-1220.

AUTOMATED EXTERNAL

**DEFIBRILLATOR PROGRAM, ED
§13-517.**

County boards of education to develop and implement programs, ED §7-425.

AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

Specified buildings, PS §9-503.

AUTOMATIC SPRINKLER SYSTEMS.

High-rise buildings, PS §§9-401 to 9-405.

AVIATION.

Administration.

Police force.

Charging documents against law
enforcement officers, CJ §2-608.

Airports.

Police employees.

Charging documents against law
enforcement officers, CJ §2-608.

Police.

Charging documents against law
enforcement officers, CJ §2-608.

Public safety aviation employee.

Defined, PS §1-202.

Killed or dies in performance of duties.

Death benefits, PS §1-202.

State pilots and aviation maintenance technicians.

Public safety aviation employee.

Defined, PS §1-202.

Killed or dies in performance of duties.

Death benefits, PS §1-202.

B

BABY DROP OFF.

Leaving newborn with responsible adult.

Immunity from liability, CJ §5-641.

BALCONIES.

Barbeque grills.

Restrictions on use, PS §9-1001.

BALTIMORE CITY.

Alcoholic beverages.

Audit of board of liquor license
commissioners.

Performance audit, SG §2-1220.

Dumping site surveillance systems.

Citations, procedure, CJ §7-302.

Fire department.

Volunteer company assistance fund.

Request for money, PS §8-204.

Fire prevention commission and fire marshal, PS §§6-401 to 6-403.

Applicability, PS §6-401.

INDEX

BALTIMORE CITY —Cont'd

Fire prevention commission and fire marshal —Cont'd

Assistance to chief of Baltimore City fire department, PS §6-402.

Reports, PS §6-403.

Housing authority.

Police force.

Authority granted police officers generally, CP §2-102.

Charging documents against law enforcement officers, CJ §2-608.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP §2-102.

Noise control.

Trapshooting, skeet shooting, etc.

Limitations on authority, EN §3-401.

Police.

Audits.

Office of legislative audits.

Financial management practices, SG §2-1220.

Authority granted police officers generally, CP §2-102.

Charging documents against law enforcement officers, CJ §2-608.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP §2-102.

Reports.

Fire prevention commission and fire marshal, PS §6-403.

Schools.

Police force.

Authority granted police officers generally, CP §2-102.

Charging documents against law enforcement officers, CJ §2-608.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP §2-102.

Trapshooting, skeetshooting or other target shooting.

Environmental sound level limits and noise control rules and regulations, EN §3-401.

Volunteer company assistance fund.

Request for money by Baltimore City fire department, PS §8-204.

BALTIMORE COUNTY.

Building code.

Agricultural buildings.

Exemption for buildings used for agritourism, PS §12-508.

BALTIMORE COUNTY —Cont'd

Community colleges.

Parking.

May be prohibited, TR §21-1003.

Fire department.

Deputy sheriffs.

Members of fire company appointed as, PS §§7-301 to 7-304.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Schools.

County board of education.

Property.

Parking, TR §21-1003.

Sheriff.

Deputies.

Fire company members appointed as, PS §§7-301 to 7-304.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Workers' compensation.

Average weekly wage.

Auxiliary police officer, LE §9-602.

Volunteer fire company member, LE §9-602.

BARBEQUE GRILLS.

Restrictions on use, PS §9-1001.

BARNs.

Arson and burning, CR §§6-101 to 6-111.

BED AND BREAKFAST ESTABLISHMENTS.

Sprinkler systems, PS §§9-201 to 9-206.

BELLS.

Emergency vehicles, TR §22-218.

BENZENE.

Possession of destructive device, CR §§4-501 to 4-503.

BILL OF PARTICULARS.

Arson or burning.

General form of charging document used, CR §6-111.

BINGO.

Acceptance of credit to play gaming event.

Prohibition, CR §12-108.

Gaming devices.

Defined as, CR §12-101.

BIOLOGICAL AGENTS.

Possession of destructive device, CR §§4-501 to 4-503.

BLASTING.

Explosives generally, PS §§11-101 to 11-118.

See EXPLOSIONS AND EXPLOSIVES.

BLASTING OPERATIONS.

Fire prevention code.

Control of air overpressure and ground vibrations, COMAR 29.06.01.10.

INDEX

BLIGHTED AREAS.

Municipal corporations.

Urban renewal authority, LG §5-215.

BLUEPRINT FOR MARYLAND'S FUTURE.

Fund.

Sales and use tax, distribution of revenue, TG §2-1303.

BOARDS AND COMMISSIONS.

Building codes.

State boards and commissions.

Effect of subtitle, PS §12-502.

Elevator safety review board, PS §§12-819 to 12-842.

University of Maryland.

Board of regents.

Emergency medical care and services.

Powers, ED §13-512.

BOMBS.

Explosives generally, PS §§11-101 to 11-118.

See EXPLOSIONS AND EXPLOSIVES.

Possession of destructive device, CR §§4-501 to 4-503.

BOMB SCARES.

Destructive device or toxic material.

False statement or rumor concerning, CR §9-504.

BONDS, SURETY.

Fireworks permits, PS §10-105.

BOTTLED WATER.

Defined, HG §21-301.

BRIDGES.

Arson and burning, CR §§6-101 to 6-111.

Motor vehicles.

Stopping, standing or parking on, TR §21-1003.

BROMINATED FLAME RETARDANTS.

OctaBDE and pentaBDE.

Manufacturing, processing, selling or distributing product containing, EN §§6-1201 to 6-1205.

Civil penalty, EN §6-1204.

DecaBDE.

Defined, EN §6-1201.

Products containing, prohibitions, exceptions, EN §6-1202.1.

Definitions, EN §6-1201.

Enforcement of prohibition, EN §6-1203.

Fines, EN §6-1204.

Injunction to enforce prohibition, EN §§6-1203, 6-1204.

Original equipment replacement service parts.

Inapplicability of prohibition, EN §6-1202.

Prohibited, EN §6-1202.

Recyclables, inapplicability of prohibition, EN §6-1202.

BROMINATED FLAME RETARDANTS

—Cont'd

OctaBDE and pentaBDE —Cont'd

Manufacturing, processing, selling or distributing product containing

—Cont'd

Regulations, adoption, EN §6-1205.

BUDGET AND MANAGEMENT.

Cigarette restitution fund.

Budget books to contain expenditure overview, SF §7-121.

Managing for results.

Strategic plan.

Inclusion in budget books, SF §7-121.

State operating budget.

Budget books.

Cigarette restitution fund, funded programs.

Expenditure overview, SF §7-121.

Contents.

Operating expenses of state units, SF §7-121.

Expenses of state units.

Operating expenses.

Information to be included, SF §7-121.

Managing for results strategic agency plan to be included, SF §7-121.

Operating expenses of state units.

Information to be included, SF §7-121.

Cigarette restitution fund, funded programs.

Expenditure overview in budget books, SF §7-121.

BUILDING CODES.

Additions.

Building rehabilitation code generally, PS §§12-1001 to 12-1007.

Defined, PS §12-1001.

Adoption of performance standards, PS §12-503.

Agricultural buildings.

Exemption from standards when building used for agritourism, PS §12-508.

Amendments to performance standards.

Local codes, PS §12-504.

Applicability of performance standards, PS §12-503.

Building rehabilitation code, PS

§§12-1001 to 12-1007.

Central automated database, PS §12-506.

Change of occupancy.

Building rehabilitation code generally, PS §§12-1001 to 12-1007.

Defined, PS §12-1001.

Conflict of laws.

Effect of subtitle, PS §12-502.

Local codes.

Amendments to performance standards, PS §12-504.

Rehabilitation code.

Effect of subtitle on other laws, PS §12-1002.

BUILDING CODES —Cont'd

Conflict resolution.

Department's powers and duties, PS §12-507.

Defined terms, PS §12-501.

Electrical code, PS §12-601.
Elevator safety, PS §12-801.
Rehabilitation code, PS §12-1001.

Department.

Defined, PS §12-501.
Powers and duties, PS §12-507.

Effect of subtitle, PS §12-502.

Electrical code.

Administration, PS §12-604.
Applicability, PS §12-602.
Certification of installation, PS §12-605.
Inspector to be certified, PS §12-606.
Conforming electrical installations, PS §12-603.
Cut-in certificates, PS §12-605.
Inspector to be certified, PS §12-606.
Defined terms, PS §12-601.
Electrical installations.
Conforming, PS §12-603.
Defined, PS §12-601.
Enforcement, PS §12-604.
Homeowner installation of electrical wiring, PS §12-615.

Inspector certification.

Applications, PS §12-608.
Authority under certificate, PS §12-610.
Disciplinary actions, PS §12-612.
Appeal of decision of fire marshal, PS §12-614.
Hearings and notice, PS §12-613.
Expiration and renewal, PS §12-611.
Issuance, PS §12-609.
Qualifications, PS §12-607.
Required, PS §12-606.

Penalties for violations, PS §12-616.

Regulations, PS §12-604.
Scope of subtitle, PS §12-602.

Elevator safety, PS §§12-801 to 12-842.

See ELEVATORS.

Emergency power and lighting systems,

PS §12-702.

Enforcement.

Effect of subtitle, PS §12-502.
Local laws, PS §12-505.

Exit signs.

Buildings with three or more floors, PS §12-701.

Fees.

Electrical code.
Inspectors, application for certification, PS §12-608.
Implementation and enforcement of performance standards, PS §12-505.

Generators.

Emergency power and lighting systems, PS §12-702.

Green buildings.

Adoption of international green construction code, PS §12-503.

BUILDING CODES —Cont'd

High-performance homes.

Defined, PS §12-509.
Encouraging construction, PS §12-509.

Hotels.

Master control device to control heating, ventilation and air conditioning settings, PS §12-510.

Inspections.

Electrical code.
Inspector certification. See within this heading, "Electrical code."

International building code.

Defined, PS §12-501.
Modifications, PS §12-503.
Notice to local jurisdictions.
Department's powers and duties, PS §12-507.

International energy conservation code.

Adoption, PS §12-503.
Defined, PS §12-501.

International green construction code.

Adoption, PS §12-503.
Local jurisdictions, PS §12-504.
Amendment.
Local jurisdictions, PS §12-504.
Defined, PS §12-501.

Local codes.

Amendments to performance standards, PS §12-504.
Effect of subtitle, PS §12-502.
Implementation and enforcement of performance standards, PS §12-505.
Rehabilitation code.

Meetings regarding complex projects, PS §12-1005.

Maryland building rehabilitation code,

PS §§12-1001 to 12-1007.

Maryland building rehabilitation code

advisory council, PS §12-1003.

Meetings.

Rehabilitation code.
Complex projects, PS §12-1005.

Municipal corporations.

Establishment, legislative authority, LG §5-211.

Notice.

Modifications to international building code.
Notice to local jurisdictions, PS §12-507.

Penalties.

Electrical code, PS §12-616.
Disciplinary actions against inspectors, PS §12-612.

Performance standards, PS §§12-501 to 12-510.

Rehabilitation code, PS §§12-1001 to 12-1007.

Adoption, PS §12-1004.
Advisory council, PS §12-1003.
Amendments, PS §12-1007.
Applicability, PS §12-1004.
Changes to other codes.
Conforming, PS §12-1006.

INDEX

BUILDING CODES —Cont'd

Rehabilitation code —Cont'd

Complex projects, PS §12-1005.
Conflict of laws.

Effect of subtitle on other laws, PS §12-1002.

Conforming to changes in other codes, PS §12-1006.

Amendments, PS §12-1007.

Defined terms, PS §12-1001.

Effect of subtitle on other laws, PS §12-1002.

Meetings.

Complex projects, PS §12-1005.

Minimum requirements, PS §12-1005.

Purpose, PS §12-1004.

Rules and regulations.

Conforming to changes in other codes, PS §12-1006.

Renovations.

Building rehabilitation code generally, PS §§12-1001 to 12-1007.

Defined, PS §12-1001.

Repairs.

Building rehabilitation code generally, PS §§12-1001 to 12-1007.

Defined, PS §12-1001.

Rules and regulations.

Rehabilitation code.

Conforming to changes in other codes, PS §12-1006.

Solar photovoltaic systems.

Lockout tags, PS §12-705.

Standards for buildings.

Building performance standards, PS §§12-501 to 12-510.

State boards and commissions.

Effect of subtitle, PS §12-502.

Structural iron or steel.

Beams or girders with studs or reinforcing shear connectors, PS §12-704.

Temporary fastening devices.

Use of "clip-type" connectors prohibited, PS §12-703.

Violations.

Electrical code, PS §12-616.

Zoning.

Effect of subtitle, PS §12-502.

BUILDING REHABILITATION CODE

ADVISORY COUNCIL, PS §12-1003.

BUILDINGS.

Abatement orders.

Fire marshal, PS §6-318.

Failure to comply with order, PS §6-320.

Service of process, PS §6-319.

Arson and burning, CR §§6-101 to 6-111.

Automatic fire extinguishing system.

High rise buildings, PS §§9-401 to 9-405.

Specified buildings, PS §9-503.

Boxing, sparring and wrestling.

Ventilation and safety structures, BR §4-319.

BUILDINGS —Cont'd

Evacuation procedures, PS §§9-501 to 9-506.

Fire hazards.

Abatement orders, PS §6-318.

Failure to comply with order, PS §6-320.

Service of process, PS §6-319.

Additional remedies, PS §6-321.

Maintenance of fire hazard prohibited, PS §6-317.

Fire marshal.

Abatement orders, PS §6-318.

Failure to comply with order, PS §6-320.

Service of process, PS §6-319.

Inspections, PS §6-307.

Fireworks plants.

Building construction, PS §10-205.

Building location, PS §10-204.

Safety standards, PS §10-207.

High-rise buildings.

Fires and fire protection, PS §§9-401 to 9-405.

Injunctions.

Fire marshal.

Abatement orders, PS §6-318.

Failure to comply with order, PS §6-320.

Service of process, PS §6-319.

Inspections.

Fire marshal, PS §6-307.

Safety.

Building codes generally.

See BUILDING CODES.

BUMPERS, TR §22-105.

BURDEN OF PROOF.

Explosives, PS §11-118.

Health care decisions, HG §5-609.

BURGLAR ALARMS.

Audible systems.

Equipped to automatically silence, CR §9-611.

Defective system.

Notice to user, use after notice, CR §9-610.

Definitions, CR §9-607.

False alarms, CR §9-608.

Multiple alarms, CR §9-609.

Visual obscuration systems associated with security or burglar alarm systems, prohibited, COMAR 29.06.01.16.

BURNING, CR §§6-101 to 6-111.

Arson in the first degree, CR §6-102.

Arson in the second degree, CR §6-103.

Attempt to burn structure or property, CR §6-109.

Burning trash container, CR §6-108.

Burning with intent to defraud, CR §6-106.

Charging document, CR §6-111.

Definitions, CR §6-101.

BURNING —Cont'd

Malicious burning of personal property in the first degree, CR §6-104.

Malicious burning of personal property in the second degree, CR §6-105.

Separate units, separate violations, CR §6-110.

Threat of arson, CR §6-107.

BURNING TRASH CONTAINER, CR §6-108.

BURNING WITH INTENT TO DEFRAUD, CR §6-106.

BUSES.

Identification.

Required, TR §22-404.3.

Exceptions, TR §22-404.3.

BUTANE.

Possession of destructive device, CR §§4-501 to 4-503.

C

CALVERT COUNTY.

Alarm systems, LG §12-806.

Building code.

Agricultural buildings.

Exemption for buildings used for agritourism, PS §12-508.

Community colleges.

Parking, TR §21-1003.

Fire hydrants, LG §12-508.

Noise control.

Trapshooting, skeet shooting, etc.

Limitations on authority, EN §3-401.

Roads.

Fire hydrants, LG §12-508.

Grading, building, improving, maintaining and repairing, LG §12-530.

Trapshooting, skeetshooting or other target shooting.

Environmental sound level limits and noise control rules and regulations, EN §3-401.

CAMPGROUNDS.

Counties.

Regulation of trailer camps, LG §13-202.

CANCER.

Workers' compensation.

Occupational diseases, statutory presumption for first responders, LE §9-503.

CANCER PREVENTION, EDUCATION, SCREENING AND TREATMENT PROGRAM.

Expenditure overview, budget books to contain, SF §7-121.

CARBON MONOXIDE ALARMS.

Hotels, lodging or rooming houses, or rental dwelling units.

Installation requirements, PS §12-1104.

CARBON MONOXIDE ALARMS —Cont'd
Installation in dwellings, PS §§12-1101 to 12-1106.

Areas alarms installed, PS §12-1104.

Carbon monoxide-producing fixture and equipment.

Installing near, PS §12-1104.

Combination carbon monoxide and smoke alarms.

Authorization, PS §12-1103.

Combustion of fossil fuel for heating, ventilation, hot water or drying clothes.

Applicability to dwelling relying on, PS §12-1102.

Definitions, PS §12-1101.

Dormitories.

Dwelling defined, PS §12-1101.

Dwelling defined, PS §12-1101.

Effective date of provisions, PS §12-1102.

Hotels, lodging or rooming houses, or rental dwelling units.

Applicability to, effective date, PS §12-1102.

Dwelling defined, PS §12-1101.

Installation requirements, PS §12-1104.

Local laws more stringent.

Enactment authorized, PS §12-1106.

Multiple family dwellings.

Dwelling defined, PS §12-1101.

Newly constructed dwellings.

Applicability to, effective date, PS §12-1102.

Rendering alarm inoperable.

Prohibition, PS §12-1105.

Scope of subtitle, PS §12-1102.

Rental dwelling units.

Installation requirements, PS §12-1104.

Smoke detectors, carbon monoxide alarm combined with, PS §9-106.

CARCINOGENIC FIRE RETARDANTS.

Flammable substances, HG §22-404.

CARDIAC ARREST.

Automated external defibrillator program, ED §13-517.

County boards of education to develop and implement programs, ED §7-425.

CARDIAC RESCUE TECHNICIANS.

Performance of specified medical procedures, ED §13-516.

CARNIVAL.

Gaming events and gaming devices.

Acceptance of credit to play gaming event.

Prohibition, CR §12-108.

CAROLINE COUNTY.

Fire department.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Sheriff.

Deputies, appointment.

Fire company members, PS §§7-301 to 7-304.

INDEX

CARROLL COUNTY.

Building code.

- Agricultural buildings.
 - Exemption for buildings used for agritourism, PS §12-508.

Fire department.

- Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Sheriff.

- Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

CARRYING CONCEALED WEAPON.

Warrantless arrest, CP §2-203.

CASUALTY INSURANCE.

Fire insurance antiarson applications, IN §§19-301 to 19-309.

- See FIRE INSURANCE.

Generally.

- See PROPERTY AND CASUALTY INSURANCE.

CATASTROPHIC HEALTH EMERGENCY.

Disease surveillance and response program, HG §§18-901 to 18-908.

- Appeals of secretary's quarantine directive, HG §18-906.

- Authority of secretary, HG §18-902.
 - Enforcement, HG §18-905.

Contingency plans.

- Development and implementation, HG §18-903.

Definitions, HG §18-901.

- Enforcement authority of secretary, HG §18-905.

Health facilities.

- Contingency plans, development and implementation, HG §18-903.

Immunity.

- Providers acting in good faith in accordance with program, HG §18-907.

Investigation and prevention of exposure.

- Authority of secretary, HG §18-902.

Licensing, certifying or credentialing practitioners.

- Development of process, HG §18-903.
 - Noncompliance with order, directive or regulation, HG §18-907.

Noncompliance with order, directive or regulation, HG §18-907.

Orders issued by secretary.

- Enforcement authority, HG §18-905.

Protocols and plans to assist practitioners.

- Publication by secretary, HG §18-903.

Quarantine.

- Directive issued by secretary, hearings, discharge from employment prohibited, HG §18-906.

Report by secretary, HG §18-908.

Reporting or disclosing information.

- Methods, limitation on use, confidentiality, HG §18-904.

CECIL COUNTY.

Sheriff.

- Deputies.
 - Fire company members appointed as, PS §§7-301 to 7-304.

Volunteer deputy.

- Workers' compensation.
 - Average weekly wage, LE §9-602.

Volunteer fire departments.

- Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Workers' compensation.

- Volunteer deputy sheriff.
 - Average weekly wage, LE §9-602.

CELL PHONES.

911 emergency telephone system, PS §§1-301 to 1-315.

- See 911 EMERGENCY TELEPHONE SYSTEM.

Traffic laws.

- Minors, use of wireless communications device while driving, TR §21-1124.
 - Using handheld telephone while driving, TR §21-1124.2.

CEMETERIES.

Hate crime.

- Damaging property of religious entity, CR §10-302.

Municipal corporations.

- Legislative authority, LG §5-209.

CENTER FOR THE STUDY OF THE HEALTH EFFECTS OF FIRE.

Advisory council.

- Chairperson, HG §18-708.
 - Duties, HG §18-710.
 - Established, HG §18-706.
 - Expenses, reimbursement, HG §18-709.
 - Meetings, HG §18-709.
 - Members, HG §18-707.

Confidentiality of information collected, HG §18-705.

Definitions, HG §18-701.

Director, chief medical examiner, HG §18-703.

Duties, HG §18-704.

Established, HG §18-702.

Inadmissibility of information collected in civil or criminal proceeding, HG §18-705.

Registry of individuals suffering from fire related injury or death, HG §18-704.

Regulations, adoption, HG §18-711.

Repository for information, HG §18-704.

Staff, HG §18-703.

CHANCE BOOK.

Gaming devices.

- Defined as, CR §12-101.

CHARGING DOCUMENTS.

Arson or burning, CR §6-111.

CHARGING DOCUMENTS —Cont'd

Bill of particulars.

Arson or burning.

General form of charging document used,
CR §6-111.

Citation, charging by, CP §4-101.

CHARITABLE IMMUNITY.

Agents.

Personal liability of agents, CJ §5-406.

Physicians and volunteers.

Immunity from civil liability, CJ §5-606.

CHARITIES.

Agents.

Personal liability.

Conditions prohibiting imposition of
personal damages, CJ §5-406.

Liability in cases of malice or gross
negligence, CJ §5-406.

Limitation on recovery, CJ §5-406.

Section inapplicable to suits proving
willful violation of registration
provisions, CJ §5-406.

Audits.

Registration statements, BR §6-402.

Containers for deposits of money.

Requirements, BR §6-620.

Contracts.

Unregistered charitable organization, BR
§6-603.

Corporations.

Nonstock corporations.

Assets subject to charitable or other
restrictions, CA §5-702.

Restrictions on property holdings, CA
§5-701.

Crimes and offenses.

Grossly negligent violations, BR §6-619.

Willful violations, BR §6-619.

Definitions, BR §6-101.

Health care services, CJ §5-606.

Compensation, CJ §5-606.

Physician, CJ §5-606.

Suit, CJ §5-606.

Volunteer, CJ §5-606.

Volunteers' liability provisions, CJ §5-407.

Disclosure statement.

Defined, BR §6-101.

Grossly negligent violations.

Criminal penalty, BR §6-619.

Willful violations.

Criminal penalty, BR §6-619.

Exemptions from act, BR §6-102.

Requirement of exempt person, BR §6-405.

Fees.

Schedule of annual fees, BR §6-407.

Financial statement.

Grossly negligent violations.

Criminal penalty, BR §6-619.

Willful violations.

Criminal penalty, BR §6-619.

Fund-raising notice.

Exempt person requirements, BR §6-405.

CHARITIES —Cont'd

Gaming, bazaar, carnival and raffles.

Raffles generally, CR §12-106.

Health care services.

Physicians and volunteers.

Liability, CJ §5-606.

Immunity.

Agents.

Personal liability of agents, CJ §5-406.

Physicians and volunteers.

Immunity from civil liability, CJ §5-606.

Injunctions.

Registration.

Soliciting after registration, BR §6-406.

IRS Form 990.

Exempt person requirements, BR §6-405.

Liability.

Health care services.

Physicians and volunteers, CJ §5-606.

Personal liability of agents, CJ §5-406.

Notices.

Exempt person requirements.

Fund-raising notice, BR §6-405.

Physicians.

Liability.

Immunity of physicians and volunteers
providing health care services, CJ
§5-606.

Public containers.

Requirements, BR §6-620.

Public safety solicitors.

Applicant requirements, BR §6-5A-02.

Raffles generally, CR §12-106.

Records.

Financial records.

Grossly negligent violations.

Criminal penalty, BR §6-619.

Willful violations.

Criminal penalty, BR §6-619.

Registration.

Agreement with unregistered charitable
organization, BR §6-603.

Registration statements.

Auditing, BR §6-402.

Contents, BR §6-402.

Form, BR §6-402.

Grossly negligent violations.

Criminal penalty, BR §6-619.

Submission requirement, BR §6-402.

Willful violations.

Criminal penalty, BR §6-619.

Reports.

Fee for failure to file, BR §6-407.

Representatives.

Registration.

Applications.

Notice of noncompliance, BR §6-304.

Issuance, BR §6-304.

Restitution.

Grossly negligent violations, BR §6-619.

Scope of act, BR §6-102.

Tortuous conduct.

Grossly negligent violations, BR §6-619.

CHARITIES —Cont'd

Volunteers.

- Definitions, CJ §5-407.
- Liability, CJ §5-407.
- Immunity of volunteers providing health care services, CJ §5-606.

CHARLES COUNTY.

Building code.

- Agricultural buildings.
- Exemption for buildings used for agritourism, PS §12-508.
- Electrical code.
- Homeowner installation of electrical wiring, PS §12-615.

Community college.

- Parking.
- May be prohibited, TR §21-1003.

Fire department.

- Volunteer fire or rescue company.
- Workers' compensation.
- Covered employees and employers, LE §9-234.

Noise control.

- Trapshooting, skeet shooting, etc.
- Limitations on authority, EN §3-401.

Schools.

- County board of education.
- Property.
- Parking, TR §21-1003.

Sheriff.

- Volunteer deputy.
- Workers' compensation.
- Average weekly wage, LE §9-602.

Trapshooting, skeetshooting or other target shooting.

- Environmental sound level limits and noise control rules and regulations, EN §3-401.

Volunteer fire departments.

- Workers' compensation.
- Covered employees and employers, LE §9-234.

Workers' compensation.

- Covered employees and employers.
- Volunteer fire or rescue company, LE §9-234.
- Volunteer deputy sheriff.
- Average weekly wage, LE §9-602.

**CHARLES MCC. MATHIAS, JR.
NATIONAL STUDY CENTER FOR
TRAUMA AND EMERGENCY
MEDICAL SYSTEMS, ED §13-513.**

**CHARLES W. RILEY FIRE AND
EMERGENCY MEDICAL SERVICES
TUITION REIMBURSEMENT
PROGRAM, ED §18-603.**

CHILD LABOR.

Administration.

- Powers and duties of commissioner.
- Delegation of powers and duties, LE §3-104.

CHILD LABOR —Cont'd

Definitions.

- Minor, LE §3-201.

Interpretation and construction.

- Scope of subtitle, LE §3-203.

Work hours.

- Exceptions to restrictions.
- Minors under 16 years of age, LE §3-211.
- Minors under 16 years of age.
- Exception to restrictions, LE §3-211.
- Generally, LE §3-211.
- Restrictions.
- Minors under 16 years of age, LE §3-211.

Work permits.

- Issuance, LE §3-206.
- Permit restrictions, LE §3-206.
- Proof of age, LE §3-206.

CHILDREN IN NEED OF ASSISTANCE.

Contributing to certain conditions of child, CJ §3-828.

Defined, CJ §3-801.

Petitions.

- Contributing to certain conditions of child.
- Petition alleging violations, CJ §3-828.

Placement.

- Voluntary placement.
- Defined, CJ §3-801.

CHLORINE GAS.

Possession of destructive device, CR §§4-501 to 4-503.

CHURCHES.

Hate crime.

- Damaging property of religious entity, CR §10-302.

CIGARETTE RESTITUTION FUND.

Funded programs.

- Expenditure overview, budget books to contain, SF §7-121.

CIGARS AND CIGARETTES.

Fire safety performance standard for cigarettes, BR §§16-601 to 16-610.

- Alternate test and performance methods, BR §16-602.

Attorney general.

- Enforcement powers, BR §16-609.

Certification.

- Consumer testing, cigarettes sold for, BR §16-602.1.

- Generally, BR §16-603.

- Manufacturer to provide to distributors, BR §16-605.

- Marking of certified cigarettes, BR §16-604.

- Marking of paper for certified cigarettes, BR §16-602.

- Required, BR §16-602.

- Civil penalties for violations, BR §16-608.

- Distribution, BR §16-609.

- Consumer testing, cigarettes sold for, BR §16-602.1.

INDEX

CIGARS AND CIGARETTES —Cont'd **Fire safety performance standard for** **cigarettes —Cont'd**

Contraband.

Noncomplying cigarettes, BR §16-606.

Definitions, BR §16-601.

Laboratories.

Requirements for testing laboratories, BR §16-602.

Marking of certified cigarettes, BR §16-604.

Marking of paper for certified cigarettes,
BR §16-602.

Noncomplying cigarettes.

Contraband, BR §16-606.

Seizure, destruction and inspection, BR §16-610.

Penalties for violations, BR §16-608.

Distribution of civil penalties, BR §16-609.

Recertification, BR §16-603.

Regulations, BR §16-607.

Testing, BR §16-602.

CITATIONS.

Alcoholic beverage violations.

Citation issued for violation.

Sales to underaged drinkers and
intoxicated persons, CP §4-101.

Charging by, CP §4-101.

Defined, CP §4-101.

Disturbing the peace or disorderly conduct.

Police authorize to issue for, CP §4-101.

False alarms.

Multiple false alarms by alarm system user.

Issuance of civil citation, CR §9-608.

Fire hazard, maintaining.

Fire marshal authorized to issue, CP §4-101.

Fire marshal issuing, CP §4-101.

Fireworks, discharging without permit.

Fire marshal authorized to issue, CP §4-101.

Malicious destruction of property.

Police authorize to issue for, CP §4-101.

Motor vehicles.

Traffic citations.

Uniform forms, CJ §1-605.

Police officer issuing, CP §4-101.

Theft.

Misdemeanor theft, police authorize to issue
for, CP §4-101.

United States park police officers.

Authority to issue, CP §§2-104.1, 4-101.

CIVIL AIR PATROL.

Motor vehicles.

Excise tax on certificates of title.

Exemptions, TR §13-810.

Registration.

Exemption from registration fees, TR §13-903.

CIVIL DEFENSE.

Emergency management.

See EMERGENCY MANAGEMENT.

CLIFFSIDE ELEVATORS.

Elevator safety generally, PS §§12-801 to
12-842.

CLUBS.

Barbeque grills.

Restrictions on use, PS §9-1001.

COMBUSTIBLES.

Explosions and explosives.

See EXPLOSIONS AND EXPLOSIVES.

COMMEMORATIVE DAYS.

Fire, rescue and emergency services workers day.

Annual proclamation by governor, GP §7-410.

COMMISSIONERS.

District Court.

Appointment, CJ §1-605.

COMMUNICABLE DISEASES.

See CONTAGIOUS DISEASES.

COMMUNICATIONS TRAFFIC SAFETY ACT.

Using handheld telephone while driving,

TR §21-1124.2.

COMMUNITY ASSOCIATIONS.

Agents.

Personal liability, CJ §5-406.

COMMUNITY COLLEGES.

Anne Arundel county.

Police force.

Definitions.

Inclusion of members of force within
definition of police officer, CP §2-101.

COMPACTS.

Emergency management.

Maryland emergency management
assistance compact, PS §§14-801 to
14-803.

COMPENSATION.

Workers' compensation.

General provisions.

See WORKERS' COMPENSATION.

COMPROLLER.

Cigarettes.

Fire safety performance standard for
cigarettes.

Regulations, BR §16-607.

Fire safety performance standard for cigarettes.

Regulations, BR §16-607.

Investigative services unit.

Authority granted police officers generally,
CP §2-102.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP §2-102.

INDEX

COMPUTERS.

Building codes.

Central automated database, PS §12-506.

CONCEALED WEAPONS.

Warrantless arrest, CP §2-203.

CONCERTS.

Outdoor concerts.

Howard county.

Noise control, EN §3-401.

CONCURRENT SENTENCES.

Burning with intent to defraud, CR

§6-106.

Destructive device violations, CR §4-503.

CONDOMINIUMS.

Council of unit owners.

Liability.

Directors or officers, CJ §5-406.

CONFLICT OF LAWS.

Building codes.

Effect of subtitle, PS §12-502.

Local codes.

Amendments to performance standards,
PS §12-504.

Rehabilitation code.

Effect of subtitle on other laws, PS
§12-1002.

Evacuation procedures.

Effect on other fire safety laws, PS §9-501.

Fire prevention commission.

Regulations, PS §6-206.

Municipal corporations.

Ordinances, LG §5-203.

Construction of subtitle, LG §5-201.

CONFLICTS OF INTEREST.

Law enforcement officers and personnel.

Rights of officers generally, PS §3-103.

University of Maryland.

Medical system.

Board of directors.

Disclosures and prohibitions, ED
§13-304.

CONSECUTIVE SENTENCES.

Burning with intent to defraud, CR

§6-106.

Destructive device violations, CR §4-503.

CONSENT.

Acquired immune deficiency syndrome (AIDS).

Human immunodeficiency virus testing.

Informed consent, HG §18-338.1.

Written informed consent.

Required, HG §18-336.

Human immunodeficiency virus.

Blood tests.

Form for consent document, HG §18-336.

Informed consent, HG §18-338.1.

Refusal, HG §18-336.

Substitute consent, HG §18-336.

CONSENT —Cont'd

Human immunodeficiency virus —Cont'd

Blood tests —Cont'd

Written informed consent.

Required, HG §18-336.

CONSOLIDATION.

Corporations.

Nonstock corporations, CA §§5-207, 5-702.

CONSTRUCTION LAW.

Building codes generally.

See BUILDING CODES.

Fire marshal.

Plan review.

Fees, PS §6-308.

Municipal corporations.

Development, collection of impact fees, LG

§5-102.

CONSUMER PROTECTION.

Appliances.

Labels.

Electrical consumer products, CL
§13-308.

Electricity.

Labeling electrical consumer product with
symbol of testing laboratory.

Enforcement, CL §13-308.

Penalties for violation, CL §13-308.

Required, CL §13-308.

Fireplaces.

Sale, distribution or installation of, CL
§14-1309.

Fire resistant insulating material, CL

§13-313.

Freestanding fireplaces, CL §14-1309.

Insulation.

Fire resistant insulating material, CL
§13-313.

Kerosene-fired heaters.

Manufacturer's warning label, CL §14-1310.

Use of unvented portable heaters in
dwelling units, CL §14-1310.

Labels.

Electricity.

Electrical consumer products, CL
§13-308.

Stoves.

Sale, distribution or installation of, CL
§14-1309.

CONTAGIOUS DISEASES.

Catastrophic health emergency.

Disease surveillance and response program,

HG §§18-901 to 18-908.

See CATASTROPHIC HEALTH
EMERGENCY.

Governor's power to proclaim, PS

§§14-3A-01 to 14-3A-08.

See HEALTH EMERGENCIES.

Correctional officers.

Exposure to contagious disease.

Notification, HG §18-213.

CONTAGIOUS DISEASES —Cont'd

Correctional officers —Cont'd

Notification of exposure to contagious disease, HG §18-213.

Definitions, HG §§18-213, 18-213.1.

Diphtheria.

Medical and law enforcement personnel.

Notification of exposure, HG §§18-213 to 18-213.2.

Emergency medical technicians.

Notification of exposure to contagious disease, HG §18-213.

Fire fighters.

Notification of exposure to contagious disease, HG §18-213.

Hemorrhagic fevers.

Medical and law enforcement personnel.

Notification of exposure, HG §§18-213 to 18-213.2.

Hepatitis.

Medical and law enforcement personnel.

Notification of exposure to, HG §§18-213 to 18-213.2.

HIV.

General provisions.

See HUMAN IMMUNODEFICIENCY VIRUS.

Human immunodeficiency virus.

General provisions.

See HUMAN IMMUNODEFICIENCY VIRUS.

Law enforcement personnel.

Notification of exposure to contagious diseases, HG §18-213.

Meningitis.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Notification of exposure to, HG §18-213.

Mononucleosis.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Notification of exposure to, HG §18-213.

Notices, HG §18-213.2.

Exposure to contagious diseases.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers, HG §18-213.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Exposure to contagious diseases, HG §18-213.

Plague.

Medical and law enforcement personnel.

Notification of exposure, HG §§18-213 to 18-213.2.

CONTAGIOUS DISEASES —Cont'd

Privileged communications.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Notification of exposure to contagious diseases.

Breach of patient confidentiality, HG §18-213.

Rabies.

Medical and law enforcement personnel.

Notification of exposure, HG §§18-213 to 18-213.2.

Rescue squadmen.

Notification of exposure to contagious disease, HG §18-213.

CONTAINERS.

Burning trash container, CR §6-108.

CONTINUING EDUCATION.

Elevators.

Licenses, PS §12-833.

CONTRABAND.

Cigarettes.

Fire safety performance standard for cigarettes.

Noncomplying cigarettes, BR §16-606.

CONTRACTS.

Charities.

Unregistered charitable organization, BR §6-603.

Transportation department.

Waterborne marine fire protection, TR §2-110.

CONTRIBUTIONS TO CHARITABLE FUNDRAISING.

Fraudulent fundraising.

Campaigns to benefit police, fire departments or public safety officers, CR §8-520.

CONTRIBUTORY NEGLIGENCE.

Motor vehicles.

Seatbelt or restraining devices.

Failure to use in emergency vehicles, TR §22-412.4.

CONTROLLED DANGEROUS SUBSTANCES.

Arrests.

Warrantless arrest, CP §2-203.

Possessing.

Citation, use or possession of less than 10 grams of marijuana.

Remittance of civil penalties collected, CJ §7-302.

CONTROLLED HAZARDOUS SUBSTANCES.

General provisions.

See HAZARDOUS MATERIALS AND SUBSTANCES.

COOPERATIVE HOUSING CORPORATIONS.

Liability.

Agents, CJ §5-406.

CORPORATIONS.

Ambulances.

Provision of fire, ambulance and rescue services by for-profit entities, PS §7-401.

Benevolent corporations.

Property.
Restrictions on holdings, CA §5-701.

Charitable corporations.

Nonstock corporations.
Assets subject to charitable or other restrictions, CA §5-702.
Property.
Restrictions on holdings, CA §5-701.

Charters.

Nonstock corporations, CA §5-202.
Forfeiture of charter, CA §5-208.

Consolidation, merger and other transfers of property.

Nonstock corporations, CA §5-207.
Assets subject to charitable or other restrictions, CA §5-702.

Death.

Nonstock corporations.
When membership reduced by death, CA §5-205.

Directors.

Nonstock corporations, CA §§5-202, 5-204.

Dissolution.

Nonstock corporations, CA §§5-208, 5-702.

Equity.

Assets subject to charitable or other restrictions.
Decree as to dissolution, merger, consolidation or transfer of assets, CA §5-702.

Fire departments.

Provision of fire, ambulance and rescue services by for-profit entities, PS §7-401.
Volunteer fire companies.

Recording.

Exemption, CA §1-203.1.

More Jobs for Marylanders program.

Recordation fees, exemption, CA §1-203.1.

Motor vehicles.

Certificates of title.
Exemptions from registration, TR §13-810.

Nonstock corporations.

Application of Maryland general corporation law, CA §5-201.
Charter.
Forfeiture of charter, CA §5-208.
Provisions, CA §5-202.
Consolidation, merger or other transfers of property.
Assets subject to charitable or other restrictions, CA §5-702.

CORPORATIONS —Cont'd

Nonstock corporations —Cont'd

Consolidation, merger or other transfers of property —Cont'd
General provisions, CA §5-207.

Directors.

Classification, CA §5-202.
When members of corporation, CA §5-204.

Dissolution.

Assets subject to charitable or other restrictions, CA §5-702.
General provisions, CA §5-208.
Procedure, CA §5-208.
Subject to charitable or other restrictions, CA §5-702.

Meetings.

Notice of meeting.
Manner of giving, CA §5-202.
Organization meeting.
Calling, CA §5-203.

Quorum.

Absence of quorum, CA §5-206.

Voting.

Provisions, CA §5-202.
Proxy or mail, CA §5-202.

Members.

Absence of quorum, CA §5-206.
Classification, CA §5-202.
Death, CA §5-205.
Reduction of membership below majority.
Power of remaining members, CA §5-205.

Resignation, CA §5-205.

Vacancies, CA §5-205.

Voting.

By proxy or mail, CA §5-202.
When members of governing board constitute members, CA §5-204.

Merger, CA §5-207.

Assets subject to charitable or other restrictions, CA §5-702.

Property holdings.

Restrictions on, CA §5-701.

Notices.

Meetings.

Nonstock corporations.
Manner of giving notice, CA §5-202.

Nonstock corporations.

Meetings, CA §5-202.

Property.

Charitable or benevolent corporations.
Restrictions on holdings, CA §5-701.
Nonstock corporations.
Restrictions on property holdings, CA §5-701.

Proxies.

Nonstock corporations, CA §5-202.

Quorum.

Nonstock corporations, CA §5-202.

Recordation.

Fees.

Exemption of certain entities, CA §1-203.1.

CORPORATIONS —Cont'd

Recordation —Cont'd

Fees —Cont'd

Exemption of volunteer fire companies and rescue squads, CA §1-203.1.

Religious corporations.

Nonstock corporations.

Assets subject to charitable or other restrictions, CA §5-702.

Rescue squads.

Provision of fire, ambulance and rescue services by for-profit entities, PS §7-401.

Recordation.

Exemption, CA §1-203.1.

Stock and stockholders.

Voting.

Proxies.

Nonstock corporations, CA §5-202.

Volunteer fire companies.

Recordation.

Exemption, CA §1-203.1.

CORRECTIONAL OFFICERS.

Arrest without a warrant, authority, CP §2-207.

Death in the line of duty.

Death benefits, PS §1-202.

Scholarships to children or spouses, ED §18-601.

Heart attack.

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

Killed in line of duty.

Scholarships to children or spouses, ED §18-601.

Notification of exposure to contagious disease, HG §18-213.

Scholarships to children or spouses.

Public safety employee killed in line of duty, ED §18-601.

Stroke.

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

Warrantless arrest, authority, CP §2-207.

COSTS.

District Court.

Bad checks.

Additional costs, CJ §7-301.

Charles W. Riley fire and emergency medical services tuition reimbursement program.

Payments into, CJ §7-301.

Civil cases, CJ §7-301.

Collection, CJ §7-302.

Criminal cases, CJ §7-301.

Criminal injuries compensation fund.

Payment into, CJ §7-301.

Disposition, CJ §7-302.

COSTS —Cont'd

District Court —Cont'd

Emergency medical systems operation fund.
Payments into, CJ §7-301.

Indigent persons.

Waiver of prepayment in cases of indigency, CJ §7-301.

Law enforcement and correctional training fund.

Payments into, CJ §7-301.

Schedule, CJ §7-301.

State helicopter replacement fund.

Surcharge for in traffic cases, CJ §7-301.

Traffic cases, CJ §7-301.

Victim and witness protection and relocation program.

Payment into, CJ §7-301.

Volunteer company assistance fund.

Surcharge for in traffic cases, CJ §7-301.

Waiver of prepayment in cases of indigency, CJ §7-301.

Postmortem examiners.

Autopsies by medical examiners.

Contested case hearings, HG §5-310.

Service charges for bad check, CJ §7-301.

Victims of crime.

District Court.

Payment into criminal injuries compensation fund and victim and witness protection and relocation program, CJ §7-301.

COUNTIES.

Admissions and amusement tax.

Authority to impose tax.

Restrictions, TG §4-103.

Ambulance service.

Local regulation preempted, ED §13-515.

Animal control.

Bounties for killing wild animals and birds, LG §12-903.

Authority to adopt fire prevention codes,

PS §9-701.

Campgrounds.

Regulation of trailer camps, LG §13-202.

Cooperation among political

subdivisions.

Mutual assistance authorized, LG §1-901.

Emergency management.

Local organizations for emergency management, PS §14-109.

Emergency telephone systems.

See 911 EMERGENCY TELEPHONE SYSTEM.

Fire hydrants, location and construction,

LG §12-508.

Fire marshal.

Plan review.

County and municipal fire prevention codes, PS §9-702.

Housing and community development.

Affordable housing programs, LG §1-1308.

Inspections by fire marshal, PS §9-702.

INDEX

COUNTIES —Cont'd

Inspections by local fire departments, PS
§§9-801 to 9-805.

Motor vehicles.

Powers of local authorities, TR §25-102.

911 emergency telephone system, PS
§§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Parking.

Control, LG §12-504.

Plan review, PS §9-702.

Police.

Authority granted police officers generally,
CP §2-102.

Charging documents against law
enforcement officers, CJ §2-608.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP
§2-102.

Roads.

Construction and supervision.

Calvert county, LG §12-530.

Control of roads, parking and sidewalks,
LG §12-504.

Fire hydrants, location and construction,
LG §12-508.

Grading.

Calvert county, LG §12-530.

Repairing.

Calvert county, LG §12-530.

Sidewalks.

Control, LG §12-504.

Trailer camps.

Regulation, LG §13-202.

Workers' compensation.

Covered employees and employers.

Official of political subdivision, LE
§9-217.

Volunteers, LE §9-231.

COVENANTS.

Landlord and tenant.

Surrendering premises in good repair.

Effect of covenant, RP §8-113.

CRIMES AND OFFENSES.

Generally.

See CRIMINAL LAW AND PROCEDURE.

CRIMINAL HISTORY RECORDS

CHECKS.

Explosions and explosives.

Licenses and permits, PS §11-106.

Fire marshal.

Firefighters, rescue squad members and
paramedics, PS §6-306.

Paramedics, PS §6-306.

Rescue squad members, PS §6-306.

CRIMINAL LAW AND PROCEDURE.

Alarm systems.

Audible systems.

Equipped to automatically silence, CR
§9-611.

CRIMINAL LAW AND PROCEDURE

—Cont'd

Alarm systems —Cont'd

Defective system.

Notice to user, use after notice, CR
§9-610.

Definitions, CR §9-607.

False alarms, CR §9-608.

Multiple alarms, CR §9-609.

Ambulances, ED §13-515.

Impersonating firefighters or emergency
services personnel, PS §7-402.

Interference with or obstruction of
emergency assistance, PS §7-402.

Arrest.

General provisions.

See ARREST.

Arson and burning, CR §§6-101 to 6-111.

Arson in the first degree, CR §6-102.

Arson in the second degree, CR §6-103.

Attempt to burn structure or property, CR
§6-109.

Burning trash container, CR §6-108.

Burning with intent to defraud, CR §6-106.

Charging document, CR §6-111.

Definitions, CR §6-101.

Malicious burning of personal property in
the first degree, CR §6-104.

Malicious burning of personal property in
the second degree, CR §6-105.

Separate units, separate violations, CR
§6-110.

Threat of arson, CR §6-107.

Assisted suicide, CR §§3-101 to 3-104.

Definitions, CR §3-101.

Exceptions, CR §3-103.

Family care giver.

Exception, CR §3-103.

Generally, CR §3-102.

Palliative care, pain relief.

Exception, CR §3-103.

Penalty, CR §3-104.

Withholding life sustaining procedures.

Exception, CR §3-103.

Attempt to commit crime.

Attempt to burn structure or property, CR
§6-108.

Bill of particulars.

Arson or burning.

General form of charging document used,
CR §6-111.

Bingo.

Acceptance of credit to play gaming event.

Prohibition, CR §12-108.

Gaming devices.

Defined as, CR §12-101.

Building codes.

Electrical code violations, PS §12-616.

Structural iron or steel.

Beams or girders with studs or
reinforcing shear connectors, PS
§12-704.

CRIMINAL LAW AND PROCEDURE

—Cont'd

Burning, CR §§6-101 to 6-111.

Arson in the first degree, CR §6-102.

Arson in the second degree, CR §6-103.

Attempt to burn structure or property, CR §6-109.

Burning trash container, CR §6-108.

Burning with intent to defraud, CR §6-106.

Charging document, CR §6-111.

Definitions, CR §6-101.

Malicious burning of personal property in the first degree, CR §6-104.

Malicious burning of personal property in the second degree, CR §6-105.

Separate units, separate violations, CR §6-110.

Threat of arson, CR §6-107.

Charging documents.

Arson or burning, CR §6-111.

Citation, charging by, CP §4-101.

Charities.

Grossly negligent violations, BR §6-619.

Willful violations, BR §6-619.

Children in need of assistance.

Contributing to certain conditions of child, CJ §3-828.

Citation of article.

Charging by, CP §4-101.

Communications interception.

Violations, CJ §10-402.

Controlled dangerous substances.

Possessing.

Citation, use or possession of less than 10 grams of marijuana.

Remittance of civil penalties collected, CJ §7-302.

Defenses.

Arson in the first degree.

Person owns property not defense, CR §6-102.

Arson in the second degree.

Person owns property not defense, CR §6-103.

Definitions, CP §2-101.**Destructive devices**, CR §§4-501 to 4-503.

Definitions, CR §4-501.

Exceptions to subtitle, CR §4-502.

False statement or rumor, CR §9-504.

Manufacture or possession prohibited, CR §4-503.

Representation of device.

Manufacturing, possessing or transporting, CR §9-505.

Restitution ordered for violation, CR §4-503.

Scope of subtitle, CR §4-502.

Elevator licenses.

Violations, PS §12-840.

Emergency communications.

Prerecorded emergency message.

Transmitting, CR §9-603.

CRIMINAL LAW AND PROCEDURE

—Cont'd

Emergency management.

Maryland emergency management agency (MEMA), PS §14-114.

Emergency medical care and services.

Impersonating firefighters or emergency services personnel, PS §7-402.

Interference with or obstruction of emergency assistance, PS §7-402.

Unlicensed or not certified persons providing emergency medical services, ED §13-516.

Environment.

Sanitary waste violations, EN §9-699.

Explosive, incendiary or toxic material.

Destructive devices, CR §§4-501 to 4-503.

Definitions, CR §4-501.

Exceptions to subtitle, CR §4-502.

False statement or rumor, CR §9-504.

Manufacture or possession prohibited, CR §4-503.

Representation of destructive device.

Manufacturing, possessing or transporting, CR §9-505.

Restitution ordered for violation, CR §4-503.

Scope of subtitle, CR §4-502.

Firearms, explosives for use in, PS §11-115.

Forfeiture of vehicle for violations, CP §13-301.

License or other violations, PS §11-114.

Additional penalties, PS §11-116.

Merger of convictions, PS §11-117.

False alarms, CR §9-604.

Activation of alarm system.

Defective system, notice to user, use after notice, CR §9-610.

Definitions, CR §9-607.

Nonemergency activation of signal, CR §9-608.

False pretenses and false statements.

False statement or rumor as to destructive device or toxic material, CR §9-504.

Federal law enforcement officers,**powers**, CP §2-104.**Fines.**

General provisions.

See FINES.

Fire insurance.

Disclosure of fire loss investigation reports.

Violations, PS §9-606.

Fire marshal.

Impersonation of fire marshal or employee, PS §6-602.

Interference with or obstruction of emergency assistance, PS §6-602.

Interference with or obstruction of investigations, PS §6-602.

Fireplaces.

Stoves and freestanding fireplaces, CL §14-1309.

CRIMINAL LAW AND PROCEDURE

—Cont'd

Fireworks.

Possession, sale or permit violations, PS §10-111.

Sparklers, PS §10-112.

Registration of distributors and wholesalers, PS §10-113.

Fireworks plants, PS §10-210.

Forest and parks.

Fires.

Maliciously setting fires, NR §5-704.

Railroads.

Engines to be provided with appliances to prevent fires, NR §5-711.

Fundraising for police, fire departments or public safety officers.

Fraudulent conduct, CR §8-520.

Gaming and gambling.

Charitable organization.

Raffles, CR §12-106.

Definitions, CR §12-101.

Gaming device.

Defined, CR §12-101.

Gaming events.

Accepting credit to allow person to play, CR §12-108.

Defined, CR §12-101.

Raffles, CR §12-106.

Tokens, use allowed, CR §12-108.

General assembly.

Interfering or disrupting activities of, SG §2-1702.

Hate crimes, CR §§10-301 to 10-308.

Damage to property because of race, gender, color, religious beliefs, national origin, sexual orientation, or because person is homeless.

Religious entity, damaging property of, CR §10-302.

First amendment rights protected, CR §10-308.

Harassment because of race, color, religious beliefs, national origin, sexual orientation, or because person is homeless, CR §10-304.

Homeless.

Defined, CR §10-301.

Penalty, CR §10-306.

Prosecution for other crimes not precluded, CR §10-307.

Religious belief.

Obstructing exercise of religious belief, CR §10-303.

Religious entity.

Damaging property of, CR §10-302.

Sexual orientation.

Defined, CR §10-301.

Impersonating firefighters or emergency services personnel, PS §7-402.

Inspections by local fire departments.

Hindering, obstructing or refusing to allow inspection, PS §9-805.

CRIMINAL LAW AND PROCEDURE

—Cont'd

Interference with or obstruction of emergency assistance, PS §7-402.

Monitoring or recording telephone conversation.

State personnel, CR §9-602.

Motor vehicles.

Driver's license exemptions.

Provision violations, TR §16-102.

Penalties for violations, TR §27-101.

Paddle wheel.

Gaming devices.

Defined as, CR §12-101.

Physicians.

Title violations.

Generally, HO §14-606.

Police.

Authority, CP §2-102.

Defined, CP §2-101.

Property and casualty insurance.

Disclosure of fire loss investigation reports.

Violations, PS §9-606.

Public officers and employees.

Monitoring or recording telephone conversation.

State personnel, CR §9-602.

Raffles.

Acceptance of credit to play gaming event.

Prohibition, CR §12-108.

Charitable organizations, CR §12-106.

Generally, statewide provisions, CR §12-106.

Political committee or candidate for public office, CR §12-106.

Railroads.

Crimes involving.

Arson and burning.

Railroad cars, CR §§6-101 to 6-111.

Rescue squads.

Impersonating firefighters or emergency services personnel, PS §7-402.

Interference with or obstruction of emergency assistance, PS §7-402.

Restitution.

Destructive device violations, CR §4-503.

False statement or rumor concerning destructive device or toxic material, CR §9-504.

School buses.

Obstructing driver during operation, ED §26-104.

Smoke detectors.

Violations, PS §9-109.

Sprinkler systems.

Violations.

Fire sprinkler contractor licensing, PS §9-905.

Statute of limitations on prosecutions.

Burning with intent to defraud, CR §6-106.

Stoves and freestanding fireplaces, CL §14-1309.

CRIMINAL LAW AND PROCEDURE

—Cont'd

Suicide.

- Assisted suicide, CR §§3-101 to 3-104.
 - Definitions, CR §3-101.
 - Exceptions, CR §3-103.
 - Family care giver.
 - Exception, CR §3-103.
 - Generally, CR §3-102.
 - Palliative care, pain relief.
 - Exception, CR §3-103.
 - Penalty, CR §3-104.
 - Withholding life sustaining procedures.
 - Exception, CR §3-103.
- Attempted suicide, decriminalization, CR §3-101.1.

Support and maintenance.

- Criminal nonsupport and desertion.
 - Desertion of minor child, FL §10-219.

Toxic material.

- False statement or rumor, CR §9-504.

Unfair or deceptive trade practices.

- Electrical consumer products, CL §13-308.
- Fire resistant insulating material, CL §13-313.

Venue.

- False statement or rumor concerning destructive device or toxic material, CR §9-504.

Vessels and boats.

- Emergency vessels.
 - Violation of section of operators, NR §8-727.1.

Weapons.

- Destructive devices, CR §§4-501 to 4-503.
 - Definitions, CR §4-501.
 - Exceptions to subtitle, CR §4-502.
 - Manufacture or possession prohibited, CR §4-503.
 - Restitution ordered for violation, CR §4-503.
 - Scope of subtitle, CR §4-502.

Wiretapping.

- Interception of communications.
 - Unlawful acts, CJ §10-402.

Workers' compensation.

- See WORKERS' COMPENSATION.

CROFTON POLICE DEPARTMENT.**Authority granted police officers generally, CP §2-102.****Definitions.**

- Police officer, CP §2-101.

Powers.

- Granted to police officers generally, CP §2-102.

CROSSWALKS.**Stopping, standing or parking on, TR §21-1003.****D****DAMAGES.****Forests and parks.**

- Railroads.
 - Maintenance of safety strips.
 - Compliance not to bar recovery of damages, NR §5-712.

Volunteers.

- Liability, CJ §5-407.

DATABASES.**Building codes.**

- Central automated database, PS §12-506.

DEADLY AGENTS.**Catastrophic health emergency.**

- Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

DEAF AND HEARING IMPAIRED.**Smoke detectors or smoke alarms.**

- Sale or installation of, PS §9-105.

DEATH.**Autopsies.**

- Medical examiners.
 - General provisions, HG §5-310.

Cause of death.

- Medical examiners.
 - When cause of death established by medical examiner, HG §5-310.

Corporations.

- Nonstock corporations.
 - When membership reduced by death, CA §5-205.

Fire department.

- Autopsies of fire fighters, HG §5-310.

DEATH BENEFITS.**Public safety officers and employees.**

- Killed or dies in performance of duties, PS §1-202.

DEATH IN PERFORMANCE OF DUTIES.**Death benefits.**

- Public safety officers and employees, PS §1-202.

DEFENSES.**Arson in the first degree.**

- Person owns property not defense, CR §6-102.

Arson in the second degree.

- Person owns property not defense, CR §6-103.

DEFINED TERMS.**ABLE account contributor.**

- Income tax, state adjustments to subtractions from federal adjusted gross income, TG §10-208.

Abuse.

- Children in need of assistance, CJ §3-801.

DEFINED TERMS —Cont'd

Accessibility lift mechanic.
Elevator safety, PS §12-801.

Accessibility lift mechanic specialist.
Elevator safety, PS §12-801.

Account holder.
Income tax, TG §10-208.

Addition.
Building rehabilitation code, PS §12-1001.

Additional charge.
911 emergency telephone system, PS §1-301.

Adjudication hearing.
Children in need of assistance, CJ §3-801.

Administrative costs.
Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Agent of an association or organization.
Personal liability, CJ §5-406.

Agricultural building.
Building codes, PS §12-508.

Alarm system, CR §9-607.

Alarm system contractor, CR §9-607.
Calvert, Frederick and Washington counties, LG §12-806.

Alarm user.
Alarm systems, CR §9-607.
Calvert, Frederick and Washington counties, LG §12-806.

Ambulance, ED §13-515.

Ambulance service, ED §13-515.

Amortizable basis.
Taxation, TG §10-207.

Anne Arundel county or city of Annapolis fire and explosive investigator, CP §2-208.2.

Antiarson application.
Fire insurance, IN §19-301.

Assisted living programs.
Elevators, PS §12-805.

Associate solicitor.
Charitable organizations, BR §6-101.

Association.
Volunteer company assistance fund, PS §8-201.

Association or organization.
Charitable organization volunteer personal liability, CJ §5-407.
Personal liability, CJ §5-406.

Athletic club.
Personal liability, CJ §5-406.

Audible alarm system, CR §9-611.

Authorized facility.
Automated external defibrillator program, ED §13-517.

Authorized representative.
Maryland emergency management assistance compact, PS §14-801.

Automated external defibrillator (AED), ED §13-517.

Average annual retail price.
Motor fuel tax, TG §9-306.

DEFINED TERMS —Cont'd

Bank account.
Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Barbeque grills.
Restrictions on use, PS §9-1001.

Blend.
Motor fuel tax, TG §9-301.

Body fluids.
Contagious disease or virus, HG §18-213.2.
Disease reports, HG §18-213.1.
Health care providers, HG §18-338.1.
HIV testing for health care workers and first responders, HG §18-338.3.

Bottled water.
Food establishments, HG §21-301.

Building.
Building codes, PS §12-501.

Burning ban.
Forest fire prevention, NR §5-720.

Business league.
Charitable organization volunteer personal liability, CJ §5-407.

Cable television system.
Local governments, franchises, LG §1-708.

Candidate.
Gaming, CR §12-101.

Capital equipment.
Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Capital expenditure.
Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Carbon monoxide alarm, PS §12-1101.

Cardiac rescue technician (CRT), ED §13-516.

Catastrophic health emergency.
Catastrophic health emergency disease surveillance and response program, HG §18-901.
Governor's health emergency powers, PS §14-3A-01.

Center.
Emergency medical services.
University of Maryland, ED §13-501.
Health effects of fire, HG §18-701.

Certificate.
Automated external defibrillator program, ED §13-517.
Elevator safety, PS §12-801.

Certified local government.
Taxation, TG §10-207.

Certified nondepreciable historic structure.
Taxation, TG §10-207.

Certified nongovernmental electrical inspector.
Electrical code, PS §12-601.

Change of occupancy.
Building rehabilitation code, PS §12-1001.

Charging document.
Law enforcement officers, CJ §2-608.

DEFINED TERMS —Cont'd**Charitable contribution.**

Charitable organizations, BR §6-101.

Charitable organization, BR §6-101.

Personal liability, CJ §5-406.

Volunteer personal liability, CJ §5-407.

Volunteers and physicians, CJ §5-606.

Charitable representative.

Charitable organizations, BR §6-101.

Child.

Children in need of assistance, CJ §3-801.

Death benefits, public safety officers and personnel, PS §1-202.

Child in need of assistance, CJ §3-801.**Cigarettes.**

Fire safety performance standard for cigarettes, BR §16-601.

Citation, CP §4-101.

Law enforcement officers, CJ §2-608.

Civic league or organization.

Charitable organization volunteer personal liability, CJ §5-407.

Personal liability, CJ §5-406.

Civil defense volunteer.

Workers' compensation, LE §9-232.1.

Civilian classification.

State police department, PS §2-101.

Civilian employee.

State police department, PS §2-101.

Cliffside elevator.

Elevator safety, PS §12-801.

Club.

Charitable organization volunteer personal liability, CJ §5-407.

Cohabitant.

Property tax credits, TP §9-210.

Collection agency, BR §6-101.**Combustible material.**

Inspections by local fire departments, PS §9-801.

Commanding officer.

Firefighters appointed as deputy sheriffs, PS §7-301.

Commercial mobile radio service (CMRS).

911 emergency telephone system, PS §1-301.

Commercial mobile radio service provider.

911 emergency telephone system, PS §1-301.

Commercial motor vehicle.

Taxation, TG §9-201.

Commissioned rank.

State police department, PS §2-101.

Commit.

Children in need of assistance, CJ §3-801.

Community association, CJ §5-406.**Compact.**

Maryland emergency management assistance compact, PS §14-801.

Compensation.

Charitable organization volunteer, CJ §5-407.

DEFINED TERMS —Cont'd**Compensation —Cont'd**

Personal liability of agents of certain associations or organizations, CJ §5-406.

Volunteers.

Charitable health care services, CJ §5-606.

Computer software.

Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Conservation tillage equipment.

Income tax, TG §10-208.

Taxation, TG §10-207.

Construction permit application.

Building rehabilitation code, PS §12-1001.

Consumer.

Prepaid wireless E911 fee, PS §1-313.

Consumer price index for all urban consumers.

Motor fuel tax, TG §9-305.

Consumer testing.

Fire safety performance standard for cigarettes, BR §16-601.

Contact exposure, HG §18-213.2.

Disease reports, HG §18-213.1.

Contagious disease or virus, HG §18-213.2.

Body fluids, HG §18-213.2.

Disease reports, HG §§18-213, 18-213.1.

Contributor.

Income tax, state adjustments to subtractions from federal adjusted gross income, TG §10-208.

Controlled hazardous substance, EN §7-201.**Controlled hazardous substance facility, EN §7-201.****Controlled hazardous substance hauler, EN §7-201.****Controlled hazardous substance vehicle, EN §7-201.****Controlled hazardous substance vehicle driver, EN §7-201.****Correctional institution, HG §18-213.2.**

Disease reports, HG §18-213.

Correctional officer, HG §18-213.2.

Death benefits, public safety officers and personnel, PS §1-202.

Disease reports, HG §18-213.

Cottage food businesses.

Food establishments, HG §21-301.

Cottage food product.

Food establishments, HG §21-301.

County plan.

911 emergency telephone system, PS §1-301.

Crab meat.

Food establishments, HG §21-301.

Crab meat plant, HG §21-301.**Customer.**

911 emergency telephone system, PS §1-301.

DEFINED TERMS —Cont'd**Deadly agent.**

Catastrophic health emergency disease surveillance and response program, HG §18-901.

Governor's health emergency powers, PS §14-3A-01.

Dealer.

Explosives licenses, PS §11-101.

Motor fuel tax, TG §9-301.

DecaBDE.

Brominated flame retardants, EN §6-1201.

Defective alarm system, CR §9-610.**Designated beneficiary.**

Income tax, subtractions from federal adjusted gross income, TG §10-207.

State adjustments, TG §10-208.

Designated qualified individual.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

Destructive device, CR §4-501.**Developmental disability.**

Children in need of assistance, CJ §3-801.

Disabled public safety employee.

Student financial assistance, ED §18-601.

Discharge.

Controlled hazardous substances, EN §7-201.

Hazardous substance.

Immunity of persons assisting in controlling, CJ §5-617.

Disclosure statement.

Charitable organizations, BR §6-101.

Disposition hearing.

Children in need of assistance, CJ §3-801.

Distributor.

Motor fuel tax, TG §9-301.

Dormitory.

Sprinkler systems, PS §9-201.

Driver certificate.

Controlled hazardous substances, EN §7-201.

Dumbwaiter.

Elevator safety, PS §12-801.

Dwelling.

Arson and burning, CR §6-101.

Carbon monoxide alarm, PS §12-1101.

Property tax.

Credit for spouse of fallen rescue worker, TP §9-210.

Dwelling unit.

Sprinkler systems, PS §9-201.

Educator.

Filing charges against, CJ §2-608.

Electrical installation.

Electrical code, PS §12-601.

Elevator.

Elevator safety, PS §12-801.

Elevator contractor.

Elevator safety, PS §12-801.

Elevator mechanic.

Elevator safety, PS §12-801.

DEFINED TERMS —Cont'd**Elevator refinisher.**

Elevator safety, PS §12-801.

Elevator renovator contractor.

Elevator safety, PS §12-801.

Elevator renovator mechanic.

Elevator safety, PS §12-801.

Elevator unit.

Elevator safety, PS §12-801.

Eligible institution.

Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

Emergency.

Arrest process, CP §2-101.

Maryland emergency management agency (MEMA), PS §14-101.

Workers' compensation, LE §9-232.1.

Emergency management.

Maryland emergency management agency (MEMA), PS §14-101.

Emergency medical dispatcher (EMD),

ED §13-516.

Emergency medical services, ED §13-516.**Emergency medical services provider,**

ED §13-516.

Death benefits, public safety officers and personnel, PS §1-202.

Emergency medical technician-basic (EMT-B), ED §13-516.**Emergency medical**

technician-paramedic (EMT-P), ED §13-516.

Emergency responder.

Maryland emergency management assistance compact, PS §14-801.

Emergency service.

Fire-rescue education and training, ED §11-501.

Negligent operation of emergency vehicle, TR §19-103.

Emergency services personnel, CJ §2-608.

Income tax, TG §10-209.

Emergency service transporter.

Medicaid, HG §15-114.1.

Emergency vehicle, TR §11-118.

Negligent operation liability, TR §19-103.

Employee.

Occupational safety and health.

Information about dangerous substances, LE §5-401.

Employer.

Occupational safety and health.

Information about dangerous substances, LE §5-401.

Encumber.

Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Engage in the business of a dealer.

Motor fuel tax, TG §9-301.

Engage in the business of a distributor.

Motor fuel tax, TG §9-301.

INDEX

DEFINED TERMS —Cont'd

Engage in the business of a special fuel seller.

Motor fuel tax, TG §9-301.

Engage in the business of a turbine fuel seller.

Motor fuel tax, TG §9-301.

Enhanced 911 system.

911 emergency telephone system, PS §1-301.

Escalator.

Elevator safety, PS §12-801.

Excluded organization.

Food establishments, HG §21-301.

Existing building.

Building rehabilitation code, PS §12-1001.

Expenditures for fire protection.

Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Expense of an emergency response, containment, cleanup and abatement.

Emergency response reimbursement, CJ §3-1201.

Emergency services, CJ §3-1101.

Explosive composition.

Fireworks, PS §10-101.

Explosive material.

Destructive devices, CR §4-501.

Explosives.

Explosives licenses, PS §11-101.

Motor vehicles, TR §11-119.

Explosives for use in firearms.

Explosives licenses, PS §11-101.

Exposure.

Health care providers, HG §18-338.1.

HIV testing for health care workers and first responders, HG §18-338.3.

Exposure to deadly agent.

Catastrophic health emergency disease surveillance and response program, HG §18-901.

Governor's health emergency powers, PS §14-3A-01.

Facilities.

Automated external defibrillator program, ED §13-517.

Facility for food consumption.

Taxation, TG §11-206.

Facility permit.

Controlled hazardous substances, EN §7-201.

Fallen law enforcement officer.

Property tax credits, TP §9-210.

Fallen rescue worker.

Property tax credits, TP §9-210.

False alarm.

Alarm systems, CR §9-607.

Calvert, Frederick and Washington counties, LG §12-806.

Farm products.

Taxation, TG §10-207.

DEFINED TERMS —Cont'd

FCC order.

911 emergency telephone system, PS §1-301.

Federal act.

Controlled hazardous substances, EN §7-201.

Federal law enforcement officer, CP §2-104.

Finishing and assembling building.

Fireworks, PS §10-101.

Fire and ambulance company.

Washington county.

Designation of fire police, PS §7-304.

Fire and explosive investigator.

City of Hagerstown, CP §2-208.5.

Howard County, CP §2-208.6.

Worcester County, CP §2-208.4.

Fire department official.

Occupational safety and health, LE §5-409.

Fire investigations.

Disclosure of fire loss investigation reports, PS §9-601.

Fire marshal.

Charging by citation, CP §4-101.

Fire official.

Inspections by local fire departments, PS §9-801.

Fire prevention code, COMAR 29.06.01.05.

Fire prevention commission.

Fees for fire prevention services, COMAR 29.06.04.03.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

Ground-based sparkling devices, COMAR 29.06.07.03.

Fire-rescue education and training commission.

Standards and procedures for instructors, COMAR 13B.03.01.02.

Fire, rescue or emergency medical services entity.

Mutual aid agreements by fire, rescue or emergency services entities, PS §7-101.

Fire sprinkler contractors.

Licensing, COMAR 29.06.05.03, PS §9-901.

Fire sprinkler system.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

Fireworks, PS §10-101.

Fireworks plant.

Fireworks, PS §10-101.

First responder, HG §18-213.2.

Emergency medical services, ED §13-516.

HIV testing for health care workers and first responders, HG §18-338.3.

Fixed facility.

Emergency response reimbursement, CJ §§3-1101, 3-1201.

Flammable liquid.

Motor vehicles, TR §11-123.

Food establishment, HG §21-301.

Food processing plant, HG §21-301.

INDEX

DEFINED TERMS —Cont'd

Food service facility, HG §21-301.

Food taxation, TG §11-206.

Foster parent.

Income tax, TG §10-208.

Fund.

Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Trauma physician services fund, HG §19-130.

Volunteer company assistance fund, PS §8-201.

Fund-raising council.

Charitable organizations, BR §6-101.

Funds.

Emergency medical system operations, TR §13-955.

Gaming device, CR §12-101.

Gaming event, CR §12-101.

Gleaning cooperative.

Income tax, TG §10-208.

Taxation, TG §10-207.

Grade.

State police department, PS §2-101.

Ground-based sparkling devices.

Fire prevention commission, COMAR 29.06.07.03.

Guarantee.

Flammable products, HG §22-401.

Guardian.

Children in need of assistance, CJ §3-801.

Guardianship.

Children in need of assistance, CJ §3-801.

Handheld telephone.

Communications traffic safety act, TR §21-1124.2.

Hauler certificate.

Controlled hazardous substances, EN §7-201.

Hazardous materials.

Emergency response reimbursement, CJ §§3-1101, 3-1201.

Hazardous substance.

Controlled hazardous substances, EN §7-201.

Health care facility.

Catastrophic health emergency disease surveillance and response program, HG §18-901.

Disease testing, HG §18-336.

Health care providers, HG §18-338.1.

Medical orders for life-sustaining treatment, HG §5-608.1.

Health care practitioner.

Catastrophic health emergency disease surveillance and response program, HG §18-901.

Health care provider, HG §18-338.1.

Catastrophic health emergency disease surveillance and response program, HG §18-901.

DEFINED TERMS —Cont'd

Health care provider —Cont'd

Disease testing, HG §18-336.

Governor's health emergency powers, PS §14-3A-01.

HIV testing for health care workers and first responders, HG §18-338.3.

High-performance home.

Building code, PS §12-509.

High-rise buildings.

Fires and fire protection, high-rise buildings, PS §9-401.

HIV.

Health care providers, HG §18-338.1.

HIV testing for health care workers and first responders, HG §18-338.3.

Testing, HG §18-336.

Holocaust victim.

Income tax, TG §10-207.

Homeless.

Hate crimes, CR §10-301.

Homeowners association.

Personal liability, CJ §5-406.

Home service provider.

911 emergency telephone system, PS §1-301.

Hospital.

HIV testing for health care workers and first responders, HG §18-338.3.

Hotel.

Building codes, PS §12-510.

Carbon monoxide alarm, PS §12-1101.

Sprinkler systems, PS §9-201.

Incendiary material.

Destructive devices, CR §4-501.

Incineration.

Controlled hazardous substances, EN §7-201.

Indictment.

Law enforcement officers, CJ §2-608.

Individuals who served in the Afghanistan or Iraq conflicts.

Death benefits, public safety officers and personnel, PS §1-202.

Information.

Catastrophic health emergency disease surveillance and response program, HG §18-904.

Law enforcement officers, CJ §2-608.

Install.

Carbon monoxide alarm, PS §12-1101.

Institute.

Emergency medical services.

University of Maryland, ED §13-501.

Insurer.

Disclosure of fire loss investigation reports, PS §9-601.

International building code.

Building codes, PS §12-501.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

International energy conservation code.

Building codes, PS §12-501.

INDEX

DEFINED TERMS —Cont'd

International green construction code.

Building codes, PS §12-501.

Jurisdiction.

Emergency management assistance compact, PS §14-802.

Jurisdictional emergency medical services operational program.

Automated external defibrillator program, ED §13-517.

Jurisdictions.

Maryland emergency management assistance compact, PS §14-801.

Kidney dialysis center.

Emergency management, PS §14-110.3.

Kinship parent.

Income tax, TG §10-208.

Labor, agricultural or horticultural organization.

Charitable organization volunteer personal liability, CJ §5-407.

Latent defects.

Tax credits, RP §10-702.

Law enforcement agency.

Income tax, subtractions from federal adjusted gross income, TG §10-207.

State police department, PS §2-101.

Law enforcement officer, HG §18-213.2.

Courts, CJ §2-608.

Death benefits, public safety officers and personnel, PS §1-202.

Disease reports, HG §18-213.

Income tax, subtractions from federal adjusted gross income, TG §10-207.

Law enforcement unit.

Alarm systems, CR §9-607.

Layout.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

Legal obligation.

Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Lender.

Controlled hazardous substances, EN §7-201.

License.

Ambulance services, ED §13-515.

Elevator safety, PS §12-801.

Food establishments, HG §21-301.

Motor fuel tax, TG §9-301.

License dealer.

Motor fuel tax, TG §9-301.

Licensed health care professional.

Assisted suicide, CR §3-101.

License distributor.

Motor fuel tax, TG §9-301.

Licensed special fuel seller.

Motor fuel tax, TG §9-301.

Licensed turbine fuel seller.

Motor fuel tax, TG §9-301.

Limited area fire sprinkler system.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

DEFINED TERMS —Cont'd

Local association of employees.

Charitable organization volunteer personal liability, CJ §5-407.

Local department.

Children in need of assistance, CJ §3-801.

Income tax, TG §10-208.

Local fire department.

Fires and fire protection, high-rise buildings, PS §9-401.

Local jurisdiction.

Building codes, PS §12-501.

Building rehabilitation code, PS §12-1001.

Local licensing authority.

Explosives licenses, PS §11-101.

Local organization for emergency management.

Maryland emergency management agency (MEMA), PS §14-101.

Lockout tags.

Building codes, PS §12-705.

Lodging or rooming house.

Carbon monoxide alarm, PS §12-1101.

Sprinkler systems, PS §9-201.

Lost pay.

Taxation, TG §10-207.

Low-level nuclear waste.

Controlled hazardous substances, EN §7-201.

Low-level nuclear waste facility.

Controlled hazardous substances, EN §7-201.

Low-level nuclear waste facility permit.

Controlled hazardous substances, EN §7-201.

Maliciously.

Arson and burning, CR §6-101.

Management.

Controlled hazardous substances, EN §7-201.

Manufacturer.

Explosives licenses, PS §11-101.

Fire safety performance standard for cigarettes, BR §16-601.

Marina.

Motor fuel tax, TG §9-301.

Maryland police training and standards commission.

Income tax, subtractions from federal adjusted gross income, TG §10-207.

Maryland trauma specialty referral centers.

Trauma physician services fund, HG §19-130.

Master control device.

Building codes, PS §12-510.

MBRC.

Building rehabilitation code, PS §12-1001.

Medical care facility, HG §18-213.2.

Medical direction.

Emergency medical services, ED §13-516.

MEMA.

Maryland emergency management agency (MEMA), PS §14-101.

DEFINED TERMS —Cont'd**Member.**

Charitable organizations, BR §6-102.

Mental disorder.

Children in need of assistance, CJ §3-801.

Mental injury.

Children in need of assistance, CJ §3-801.

Military retirement income.

Income tax, TG §10-207.

Military service.

Income tax, TG §10-207.

Minor.

Employment of, LE §3-201.

Mixing building.

Fireworks, PS §10-101.

Mobility impaired.

High-rise buildings, PS §9-401.

Modification.

Building rehabilitation code, PS §12-1001.

Modified Maryland adjusted gross income.

Taxation, TG §10-207.

Montgomery county fire and explosive investigator, CP §2-208.1.**Motor carrier.**

Emergency response reimbursement, CJ §§3-1101, 3-1201.

Taxation, TG §9-201.

Motor vehicle.

Registration surcharge, TR §13-954.

Moving walk.

Elevator safety, PS §12-801.

Multifamily residential dwelling.

Sprinkler systems, PS §9-201.

Multiple-line telephone system.

Direct dial (Kari's law), PS §1-314.

Mutual aid agreement.

Mutual aid agreements by fire, rescue or emergency services entities, PS §7-101.

National registry.

Emergency medical services, ED §13-516.

Nazi Germany.

Income tax, TG §10-207.

Neglect.

Children in need of assistance, CJ §3-801.

Next generation 911 services, PS §1-301.**NFPA.**

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

NFPA 70.

Building codes, emergency power and lighting systems, PS §12-702.

NFPA 101.

Building codes, emergency power and lighting systems, PS §12-702.

NICET.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

911 accessible service.

911 emergency telephone system, PS §1-301.

911 fee.

911 emergency telephone system, PS §1-301.

DEFINED TERMS —Cont'd**911 service carrier.**

911 emergency telephone system, PS §1-301.

911 specialists.

911 emergency telephone system, PS §1-301.

911 system, PS §1-301.

Communications traffic safety act, TR §21-1124.2.

Minors, use of wireless communications device while driving, TR §21-1124.

911 trust fund.

911 emergency telephone system, PS §1-301.

Noncommissioned rank.

State police department, PS §2-101.

Noneconomic damages.

Taxation, TG §10-207.

OctaBDE, EN §6-1201.**Offense.**

Law enforcement officers, CJ §2-608.

On duty.

Workers' compensation.

Volunteer fire or rescue company, LE §9-234.

1.3 G fireworks.

Fireworks, PS §10-101.

1.4 G fireworks.

Fireworks, PS §10-101.

Opening air burning.

Forest fire prevention, NR §5-720.

Organ.

Income tax, subtractions from federal adjusted gross income, TG §10-208.

Organization.

Gaming, CR §12-101.

Parent.

Children in need of assistance, CJ §3-801.

Party.

Children in need of assistance, CJ §3-801.

PentaBDE, EN §6-1201.**Performance of duties.**

Death benefits, public safety officers and personnel, PS §1-202.

Person.

Controlled hazardous substances, EN §7-201.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

Person in control.

Emergency response reimbursement, CJ §3-1101.

Physician.

Charitable health care services.
Civil liability, CJ §5-606.

Physician performing a postmortem examination, HG §18-213.2.**Picking plant.**

Food establishments, HG §21-301.

Plan review.

Fire marshal, fees, PS §6-308.

DEFINED TERMS —Cont'd**Police employee.**

State police department, PS §2-101.

Police officer.

Arrest process, CP §2-101.

Charging by citation, CP §4-101.

Political committee.

Gaming, CR §12-101.

Political subdivision.

Maryland emergency management agency (MEMA), PS §14-101.

Poultry or livestock manure spreading equipment.

Income tax, TG §10-208.

Power booster system.

Motor vehicle engines, TR §22-404.5.

Premises.

Taxation, TG §11-206.

Prepaid wireless E911 fee.

911 emergency telephone system, PS §1-301.

Prepaid wireless telecommunications service.

911 emergency telephone system, PS §1-301.

Press building.

Fireworks, PS §10-101.

Prince George's County fire and explosive investigator, CP §2-208.3.**Product.**

Flammable products, HG §22-401.

Professional solicitor.

Charitable organizations, BR §6-101.

Provider.

Prepaid wireless E911 fee, PS §1-313.

Provider review panel.

Emergency medical services, ED §13-516.

Public festival or event.

Food establishments, HG §21-301.

Public health facility.

Mental health facilities, HG §10-807.

Public officer.

Forest fire prevention, NR §5-720.

Public safety agency.

911 emergency telephone system, PS §1-301.

Public safety answering point.

911 emergency telephone system, PS §1-301.

Public safety aviation employee.

Death benefits, public safety officers and personnel, PS §1-202.

Public safety contribution.

Charitable contributions, BR §6-101.

Public safety employee.

Workers' compensation.

Compensation for less than 75 weeks, LE §9-628.

Public safety organization.

Charitable contributions, BR §6-101.

Public safety personnel.

Emergency medical services, ED §13-516.

DEFINED TERMS —Cont'd**Public safety solicitor.**

Charitable contributions, BR §6-101.

Public safety worker.

HIV testing for health care workers and first responders, HG §18-338.3.

Public water system.

Sprinkler systems, PS §9-201.

Public way.

Fires and fire protection, high-rise buildings, PS §9-401.

Pyrotechnic composition.

Fireworks, PS §10-101.

Qualified disability expenses.

Income tax, subtractions from federal adjusted gross income, TG §10-207.
State adjustments, TG §10-208.

Qualified expenses.

Organ donation, subtractions from federal adjusted gross income, TG §10-208.

Qualified higher education expenses.

Income tax, TG §10-208.

Qualified municipal corporation.

Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Qualified residential treatment program.

Children in need of assistance, CJ §3-801.

Quality control and quality assurance program.

Fire safety performance standard for cigarettes, BR §16-601.

Rank.

State police department, PS §2-101.

Reasonable efforts.

Children in need of assistance, CJ §3-801.

Reconstruction.

Building rehabilitation code, PS §12-1001.

Refine.

Motor fuel tax, TG §9-301.

Regional administrator.

Automated external defibrillator program, ED §13-517.

Regional council.

Automated external defibrillator program, ED §13-517.

Regional council AED committee.

Automated external defibrillator program, ED §13-517.

Rehabilitate.

Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Rehabilitation center.

Trauma physician services fund, HG §19-130.

Rehabilitation project.

Building rehabilitation code, PS §12-1001.

Relative.

Child in need of assistance, CJ §3-801.

Release.

Controlled hazardous substances, EN §7-201.

Renovation.

Building rehabilitation code, PS §12-1001.

DEFINED TERMS —Cont'd**Repair.**

Building rehabilitation code, PS §12-1001.

Repeatability.

Fire safety performance standard for cigarettes, BR §16-601.

Residential dwelling.

Barbeque grills, restrictions on use, PS §9-1001.

Responsible person.

Controlled hazardous substances, EN §7-201.

Retailer.

Fire safety performance standard for cigarettes, BR §16-601.

Retail service station dealer.

Motor fuel tax, TG §9-301.

Retail transaction.

Prepaid wireless E911 fee, PS §1-313.

Routine maintenance costs.

Senator William H. Amoss fire, rescue and ambulance fund, PS §8-101.

Rule.

State police department, PS §2-101.

Safety code.

Elevator safety, PS §12-801.

Sale.

Fire safety performance standard for cigarettes, BR §16-601.

Sales and use tax equivalent rate.

Motor fuel tax, TG §9-306.

Scholarship.

Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

Schools.

Fire-rescue education and training, ED §11-501.

Secretary.

Governor's health emergency powers, PS §14-3A-01.

Seller.

911 emergency telephone system, PS §1-301.

Semipermanent food service facility.

Food establishments, HG §21-301.

Senior elected official.

Emergency management assistance compact, PS §14-802.

Maryland emergency management assistance compact, PS §14-801.

Sex trafficking.

Children in need of assistance, CJ §3-801.

Sexual abuse.

Children in need of assistance, CJ §3-801.

Sexual molestation or exploitation.

Children in need of assistance, CJ §3-801.

Sexual orientation.

Hate crimes, CR §10-301.

Shelter care.

Children in need of assistance, CJ §3-801.

Shelter care hearing.

Children in need of assistance, CJ §3-801.

DEFINED TERMS —Cont'd**Signal.**

Alarm systems, CR §9-607.

Sleeping area.

Carbon monoxide alarm, PS §12-1101.
Smoke detectors, PS §9-101.

Sleeping room.

Smoke detectors, PS §9-101.

Smoke alarm, PS §9-101.**Smoke detector, PS §9-101.****Snack food.**

Sales and use tax, TG §11-206.

Soft drink.

Food establishments, HG §21-301.

Soft drink registration.

Food establishments, HG §21-301.

Solid waste.

Controlled hazardous substances, EN §7-201.

Special fuel seller.

Motor fuel tax, TG §9-301.

Sponsoring physician.

Automated external defibrillator program, ED §13-517.

Sprinkler systems, PS §9-201.**Standards.**

Building codes, PS §12-501.

State fire marshal.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

Statement of charges.

Law enforcement officers, CJ §2-608.

State or local public safety employee.

Student financial assistance, ED §18-601.

State police, department of.

Investigations involving the exercise of First Amendment activities.
Covert investigations and criminal intelligence, COMAR 29.08.01.01.

Stepchild.

Death benefits, public safety officers and personnel, PS §1-202.

Storage building.

Fireworks, PS §10-101.

Structure.

Arson and burning, CR §6-101.
Building codes, PS §12-501.

Study Center.

Emergency medical services.
University of Maryland, ED §13-501.

Substantial grocery or market business.

Sales and use tax, TG §11-206.

Suicide.

Assisted suicide, CR §3-101.

Suit.

Charitable organization.

Volunteer liability, CJ §5-407.

Personal liability of agents of certain associations or organizations, CJ §5-406.

Volunteers and physicians.

Charitable health care services, CJ §5-606.

DEFINED TERMS —Cont'd

Surimi.

Food establishments, HG §21-301.

Surviving spouse.

Property tax credits.

Fallen rescue workers, TP §9-210.

Student financial assistance, ED §18-601.

System.

Statewide interoperability radio control board, PS §1-501.

Third-party qualified elevator inspector.

Elevator safety, PS §12-801.

Token.

Gaming, CR §12-101.

Town house.

Sprinkler systems, PS §9-201.

Toxic material.

Destructive devices, CR §4-501.

TPR proceeding.

Children in need of assistance, CJ §3-801.

Transuranic waste.

Controlled hazardous substances, EN §7-201.

Trauma center.

Trauma physician services fund, HG §19-130.

Trauma physician.

Trauma physician services fund, HG §19-130.

Treatment.

Controlled hazardous substances, EN §7-201.

Tuition.

Income tax, TG §10-207.

Turbine fuel seller.

Motor fuel tax, TG §9-301.

Uncompensated care.

Trauma physician services fund, HG §19-130.

Unit.

Office of legislative audits, SG §2-1220.

Unlawful discrimination.

Taxation, TG §10-207.

User.

Statewide interoperability radio control board, PS §1-501.

Vehicle.

Seat belts in emergency vehicles, TR §22-412.4.

Vehicle certificate.

Controlled hazardous substances, EN §7-201.

Victim of September 11, 2001 terrorist attacks.

Scholarships, ED §18-601.

Video display equipment.

Motor vehicle equipment, TR §22-414.1.

Voluntary placement.

Children in need of assistance, CJ §3-801.

Voluntary placement hearing.

Children in need of assistance, CJ §3-801.

Volunteer.

Charitable organizations.

Civil liability, CJ §5-606.

DEFINED TERMS —Cont'd

Volunteer —Cont'd

Personal liability.

Charitable organization, CJ §5-407.

Personal liability of agents of certain associations or organizations, CJ §5-406.

Volunteer company.

Volunteer company assistance fund, PS §8-201.

Workers' compensation, LE §9-234.

Volunteer fire company.

Emergency response reimbursement, CJ §3-1101.

Wholesale market value.

Income tax, TG §10-208.

Taxation, TG §10-207.

Willfully.

Arson and burning, CR §6-101.

Wireless communication device.

Minors, use of wireless communications device while driving, TR §21-1124.

Wireless enhanced 911 service.

911 emergency telephone system, PS §1-301.

Workmanlike manner.

Fire sprinkler contractor licensing, COMAR 29.06.05.03.

DESTRUCTION OF PROPERTY.

Hate crimes, CR §§10-301 to 10-308.

DESTRUCTIVE DEVICES, CR §§4-501 to 4-503.

Arrest without a warrant.

Fire marshal's authority.

Specified violations, CP §2-208.

Definitions, CR §4-501.

Exceptions to subtitle, CR §4-502.

Manufacture or possession prohibited, CR §4-503.

Representation of destructive device.

Manufacturing, possessing or transporting, CR §9-505.

Restitution ordered for violation, CR §4-503.

Scope of subtitle, CR §4-502.

Warrantless arrest.

Fire marshal's authority.

Specified violations, CP §2-208.

DIESEL FUEL.

Possession of destructive device, CR §§4-501 to 4-503.

DIPHThERIA.

Exposure to virus.

Medical and law enforcement personnel.

Notification of exposure, HG §§18-213 to 18-213.2.

DIRECT DIAL 9-1-1.

Kari's Law.

Multiple-line telephone systems, PS §1-314.

DISABILITIES, PERSONS WITH.

Drivers' licenses.

Reports of certain disorders by physicians, etc., TR §16-119.

Fire safety.

Residential high-rise building.
Right of mobility impaired to request rental unit on first five floors, PS §9-405.

High-rise residential buildings.

Fire safety.
Right of mobility impaired to request rental unit of first five floors, notice by owners, PS §9-405.

Parking.

Prohibition against parking in space for use of disabled persons, TR §21-1003.

Workers' compensation.

Average weekly wage.
Disabled student, LE §9-602.

DISCHARGE.

Hazardous materials and substances, EN §7-229.

DISCOVERY.

Center for the study of the health effects of fire.

Information collected not discoverable, HG §18-705.

DISEASES.

Catastrophic health emergency.

Disease surveillance and response program, HG §§18-901 to 18-908.

See CATASTROPHIC HEALTH EMERGENCY.

Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

See HEALTH EMERGENCIES.

Communicable diseases.

General provisions.
See CONTAGIOUS DISEASES.

Hepatitis.

Medical and law enforcement personnel.
Notification of exposure, HG §§18-213 to 18-213.2.

Infectious diseases.

General provisions.
See CONTAGIOUS DISEASES.

Meningitis.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.
Notification of exposure to, HG §18-213.

Mononucleosis.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.
Notification of exposure to, HG §18-213.

Plague.

Medical and law enforcement personnel.
Notification of exposure, HG §§18-213 to 18-213.2.

DISORDERLY CONDUCT.

Citation.

Police officer authorized to charge by, CP §4-101.

DISTRESS FOR RENT.

Termination of tenancy for fire, RP §8-112.

DISTRICT COURT.

Administrative regulations.

Chief judge.
Promulgation, CJ §1-605.

Clerks of court.

Chief administrative clerk.
Appointment.
Power of chief judge, CJ §1-605.
Chief clerk.
Appointment, CJ §1-605.

Commissioners.

Appointment.
Approval by chief judge, CJ §1-605.

Costs.

Bad checks.
Additional costs, CJ §7-301.
Charles W. Riley fire and emergency medical services tuition reimbursement program.
Payments into, CJ §7-301.
Civil cases, CJ §7-301.
Collection, CJ §7-302.
Criminal cases, CJ §7-301.
Criminal injuries compensation fund.
Payment into, CJ §7-301.
Disposition, CJ §7-302.
Emergency medical systems operation fund.
Payments into, CJ §7-301.
Indigent persons.
Waiver of prepayment in cases of indigency, CJ §7-301.
Law enforcement and correctional training fund.
Payment into, CJ §7-301.
Schedule, CJ §7-301.
State helicopter replacement fund.
Surcharge for in traffic cases, CJ §7-301.
Traffic cases, CJ §7-301.
Victim and witness protection and relocation program.
Payment into, CJ §7-301.
Waiver of prepayment in cases of indigency, CJ §7-301.

Definitions.

Collection, CJ §1-605.

Dumping site surveillance systems.

Election to stand trial for violations, CJ §7-302.

Employees.

Appointment.
Power of chief judge, CJ §1-605.

Judges.

Assignment.
From other districts, CJ §1-605.

DISTRICT COURT —Cont'd

Judges —Cont'd

- Chief judge.
- Administrative officer, CJ §1-605.
- Administrative regulations, CJ §1-605.
- Assignment of judges, CJ §1-605.
- Duties.
- Generally, CJ §1-605.
- Powers.
- Generally, CJ §1-605.

Law enforcement personnel.

- Charging documents against law enforcement officers.
- Application filed in District Court, CJ §2-608.

Motor vehicles.

- Report of convictions.
- For violation of motor vehicle laws, CJ §1-605.

Pleading.

- Destruction of pleadings, papers and files, CJ §1-605.

Records.

- Destruction of pleadings, papers and files, CJ §1-605.
- Procedures for keeping, CJ §1-605.

Rules of court.

- Chief judge.
- Promulgation, CJ §1-605.

Traffic cases.

- Costs, CJ §7-301.
- Election to stand trial for parking violations, CJ §7-302.
- Parking fines, CJ §7-302.
- Report of convictions, CJ §1-605.
- Speed monitoring systems.
- Citations issued as result of, CJ §7-302.
- Traffic control signal monitoring systems.
- Citations issued as result of, CJ §7-302.

Volunteer company assistance fund.

- Surcharge for in traffic cases, CJ §7-301.

DISTRICT OF COLUMBIA.

Motor vehicles.

- Registration.
- Exemption from registration fees, TR §13-903.

DISTURBANCE OF THE PEACE.

Citation.

- Police officer authorized to charge by, CP §4-101.

DOMESTIC PARTNERS.

Mental health facilities.

- Transfers of patients.
- Notice of transfer, HG §10-807.

DOMESTIC VIOLENCE.

Arrest.

- Warrantless arrest, CP §§2-204, 2-204.1.
- Violation of protective order, CP §2-204.1.

Mutual battery.

- Self defense considered in determining whether to arrest, CP §2-204.

DOMESTIC VIOLENCE —Cont'd

Probable cause.

- Warrantless arrest, CP §2-204.

Protective orders.

- Arrest.
- Warrantless arrests for violation, CP §2-204.1.
- Violations of orders.
- Warrantless arrests, CP §2-204.1.

Self-defense.

- Considered when determining whether to arrest.
- Mutual battery occurring, CP §2-204.

Warrantless arrest, CP §§2-204, 2-204.1.

DONATIONS.

Fraudulent fundraising.

- Campaigns to benefit police, fire departments or public safety officers, CR §8-520.

DO NOT RESUSCITATE ORDERS.

Authorization to follow emergency medical services order in outpatient setting, HG §5-608.

Emergency medical services do not resuscitate orders.

- Authorization to follow, HG §5-608.

Immunity of emergency medical services providers.

- Following emergency medical services do not resuscitate orders, HG §5-608.

Medical orders for life-sustaining treatment, HG §§5-608, 5-608.1.

DORCHESTER COUNTY.

Building code.

- Agricultural buildings.
- Exemption for buildings used for agritourism, PS §12-508.

Economic development fund.

- Sales and use tax.
- Distribution of revenue, TG §2-1303.

Fire department.

- Deputy sheriffs.
- Members of fire company appointed as, PS §§7-301 to 7-304.

DORMITORIES.

Barbeque grills.

- Restrictions on use, PS §9-1001.

Building codes.

- Emergency power and lighting systems, PS §12-702.

Carbon monoxide alarms.

- Installation in dwellings, PS §§12-1101 to 12-1106.

DRIVERS' LICENSES.

Aliens.

- Exemption of nonresidents of United States, TR §16-102.

Armed forces and dependents.

- Exemption, TR §16-102.

Congress.

- Nonresidents.
- Persons exempt from license, TR §16-102.

DRIVERS' LICENSES —Cont'd

Disabled persons.

Examinations, TR §16-119.

Examination.

Disabled persons, TR §16-119.

Exceptions.

What persons are exempt from license, TR §16-102.

Medical advisory board, TR §16-118.

Minors.

Destructive devices, manufacture or possession.

Suspension of driving privilege, CR §4-503.

False statement concerning destructive device or toxic material.

Suspension of driving privilege, CR §9-504.

New residents.

Exempt, TR §16-102.

Penalties.

Persons exempt from license requirements, TR §16-102.

Students.

Nonresidents.

Persons exempt from license, TR §16-102.

Suspension, revocation or refusal of license.

Minors.

Wireless communications devices used while driving, TR §21-1124.

DROUGHT.

Emergency management.

See EMERGENCY MANAGEMENT.

DRUG OR ALCOHOL ABUSE.

Fireworks plants.

Personnel safety standards, PS §10-209.

DUMBWAITERS.

Defined.

Elevator safety, PS §12-801.

Elevator safety generally, PS §§12-801 to 12-842.

See ELEVATORS.

DUMPING SITE SURVEILLANCE SYSTEMS.

Citations, procedure, CJ §7-302.

DWELLINGS.

Arson and burning, CR §§6-101 to 6-111.

Carbon monoxide alarms.

Installation required, PS §§12-1101 to 12-1106.

DYNAMITE.

General provisions.

See EXPLOSIONS AND EXPLOSIVES.

Possession of destructive device, CR §§4-501 to 4-503.

E

EARPHONES.

Motor vehicles.

Wearing earphones, headsets, etc., prohibited, TR §21-1120.

EARPLUGS.

Motor vehicles.

Wearing earplugs, headsets, etc., prohibited, TR §21-1120.

EARTHQUAKES.

Emergency management.

See EMERGENCY MANAGEMENT.

EASEMENTS.

Conservation easements.

Income tax.

Perpetual conservation easements, income from sale.

Subtraction from federal adjusted gross income, TG §10-207.

Rural legacy program.

Nature and scope, NR §5-9A-05.

Purchase of development rights as part of easement, NR §5-9A-05.

EAVESDROPPING.

State personnel monitoring or recording telephone conversation, CR §9-602.

EBOLA VIRUS.

Catastrophic health emergency.

Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

See HEALTH EMERGENCIES.

Hemorrhagic fevers generally.

Medical and law enforcement personnel.

Notification of exposure, HG §§18-213 to 18-213.2.

ECONOMIC DEVELOPMENT.

Dorchester county economic development fund.

Sales and use tax.

Distribution of revenue, TG §2-1303.

Local governments.

Commercial or industrial development projects, LG §18-301.

Municipal corporations.

Local authority, LG §5-214.

Urban renewal authority, LG §5-215.

ELECTIONS.

Municipal corporations.

Special elections, powers of municipality, LG §5-206.

ELECTRICAL CONSUMER PRODUCTS.

Unfair or deceptive trade practices.

Testing laboratory symbol, CL §13-308.

ELECTRICIANS.

Fire prevention code.

Nongovernmental electrical inspectors, certification, COMAR 29.07.01.

ELECTRICITY.

Building codes.

Emergency power and lighting systems, PS §12-702.

Consumer protection.

Labeling electrical consumer product with symbol of testing laboratory.

Required, CL §13-308.

ELEVATORS, PS §§12-801 to 12-842.

Accessibility lift mechanics.

Licensing and regulations, PS §12-826.

Qualifications, PS §12-827.

Scope of license, PS §12-832.

Assisted living facilities.

Regulations to authorize installation, PS §12-805.

Certificates.

Defined, PS §12-801.

Issuance, PS §12-811.

Periodic inspection, PS §12-812.

Required, PS §12-807.

Term, PS §12-812.

Citation issued.

Administrative agency appeals.

Final order of administrative law judge, PS §12-814.2.

Continuing violation, PS §12-814.3.

Form and content, PS §12-814.2.

Posting, PS §12-814.2.

Request for hearing, PS §12-814.2.

Unsafe conditions disclosed by inspection, PS §12-814.

Commissioner.

Citation issued.

Finality of commissioner's owner, PS §12-814.2.

Defined, PS §12-801.

Registration and inspection.

Administration and enforcement, PS §12-805.

Registration with commissioner, PS §12-808.

Contractors.

Defined, PS §12-801.

Licenses.

Required, PS §12-826.

Scope of license, PS §12-832.

Qualifications, PS §12-827.

Defined terms, PS §12-801.

Elevator safety review board.

See ELEVATOR SAFETY REVIEW BOARD.

Emergency elevator mechanic licenses,

PS §12-835.

Fees.

Elevator safety review board.

Authority to establish, PS §12-824.

Inspections, PS §12-809.

ELEVATORS —Cont'd

Fees —Cont'd

Licenses.

Applications, PS §12-828.

Emergency mechanics, PS §12-835.

Examinations, PS §12-829.

Renewal, PS §12-833.

Fines.

Licenses.

Criminal penalties, PS §12-840.

Denial, refusal to renew, suspension or revocation.

Civil penalty, PS §12-837.

Health care facilities.

Handrails.

Subtractions from federal adjusted gross income, TG §10-208.

Inspections, PS §§12-804 to 12-816.

Administration, PS §12-805.

Applicability, PS §12-804.

Cancellation, PS §12-813.

Certificates.

Issuance, PS §12-811.

Required, PS §12-807.

Term, PS §12-812.

Citation issued.

Unsafe conditions disclosed, PS §12-814.

Enforcement, PS §12-805.

Final acceptance inspection, PS §12-810.

Generally, PS §12-809.

No-load test inspections, PS §12-809.

Penalties.

Regulatory violations, PS §12-814.3.

Unsafe conditions, PS §12-814.

Periodic inspection, PS §12-812.

Records, PS §12-813.

Registration with commissioner, PS §12-808.

Rules and regulations, PS §12-805.

Safety standards, PS §12-806.

Scope of part, PS §12-804.

Signs.

Warning signs in case of fire, PS §12-815.

Unsafe conditions.

Citation issued, PS §12-814.

Notification to commissioner, PS §12-814.

Penalties, PS §12-814.

Prohibition against use of unsafe elevator, PS §12-814.1.

Insurance.

Licenses.

Insurance requirements, PS §12-836.

Licenses, PS §§12-826 to 12-842.

Applications, PS §12-828.

Certification of licensing status by board, PS §12-822.1.

Continuing education, PS §12-833.

Denial, refusal to renew, suspension or revocation, PS §12-837.

Appeals, PS §12-838.

Disciplinary proceedings, PS §12-837.

Prohibited acts, PS §12-839.

INDEX

ELEVATORS —Cont'd

Licenses —Cont'd

Emergency elevator mechanic licenses, PS §12-835.

Examinations, PS §12-829.

Reciprocal waiver of requirements, PS §12-830.

Exceptions, PS §12-826.

Failure to renew.

Reinstatement, PS §12-833.1.

Fees.

Applications, PS §12-828.

Examinations, PS §12-829.

Renewal, PS §12-833.

Insurance requirements, PS §12-836.

Issuance, PS §12-831.

Notice of qualification, PS §12-831.

Prohibited acts, PS §12-839.

Penalties, PS §12-840.

Qualifications, PS §12-827.

Reinstatement, PS §12-833.1.

Renewal, PS §12-833.

Required, PS §12-826.

Scope of license, PS §12-832.

Temporary elevator mechanic licenses, PS §12-834.

Term of license, PS §12-833.

Types, PS §12-826.

Mechanics.

Defined, PS §12-801.

Licenses.

Emergency elevator mechanic licenses, PS §12-835.

Required, PS §12-826.

Scope of license, PS §12-832.

Temporary elevator mechanic licenses, PS §12-834.

Qualifications, PS §12-827.

Temporary elevator mechanic licenses, PS §12-834.

New buildings.

Elevators to accommodate rescue litters, PS §12-816.

No-load test inspections, PS §12-809.

Notice.

Inspections.

Requested inspections, PS §12-809.

Licenses.

Notice of qualification, PS §12-831.

Prohibition against use of unsafe elevator, PS §12-814.1.

Unsafe conditions disclosed by inspection, PS §§12-814, 12-814.2.

Penalties.

Double penalties, PS §12-814.3.

Licenses.

Prohibited acts, PS §12-840.

Regulatory violations, PS §12-814.3.

Unsafe conditions, PS §12-814.

Prohibited acts.

Licenses, PS §12-839.

Penalties, PS §12-840.

Use of unsafe elevator, PS §12-814.1.

ELEVATORS —Cont'd

Reciprocity.

License examinations.

Reciprocal waiver of requirements, PS §12-830.

Records.

Required, PS §12-813.

Registration and inspection, PS §§12-804 to 12-816.

Administration, PS §12-805.

Applicability, PS §12-804.

Certificates.

Issuance, PS §12-811.

Required, PS §12-807.

Term, PS §12-812.

Enforcement, PS §12-805.

Inspections.

Cancellation, PS §12-813.

Final acceptance inspection, PS §12-810.

Generally, PS §12-809.

Periodic inspection, PS §12-812.

Records, PS §12-813.

Registration with commissioner, PS §12-808.

Rules and regulations, PS §12-805.

Safety standards, PS §12-806.

Scope of part, PS §12-804.

Rescue equipment.

New elevators to accommodate rescue litters, PS §12-816.

Rules and regulations.

Registration and inspection, PS §12-805.

Safety review board, PS §§12-819 to 12-842.

Safety standards, PS §12-806.

New buildings.

Elevators to accommodate rescue litters, PS §12-816.

Secretary.

Defined, PS §12-801.

Signs.

Warning signs in case of fire, PS §12-815.

Stretchers.

New elevators to accommodate rescue litters, PS §12-816.

Temporary elevator mechanic licenses, PS §12-834.

Third-party qualified elevator inspectors.

Defined, PS §12-801.

No-load test inspections.

Conducting authorized, PS §12-809.

Notice of unsafe conditions.

Inspection disclosing, PS §12-814.

Qualification, insurance requirements and procedures.

Commissioner to establish, PS §12-809.

Unsafe conditions.

Notice to owner, PS §12-814.2.

Penalties, PS §12-814.

Prohibition against use of unsafe elevator, PS §12-814.1.

ELEVATOR SAFETY REVIEW BOARD,

PS §§12-819 to 12-842.

Board defined, PS §12-801.

ELEVATOR SAFETY REVIEW BOARD

- Cont'd
- Chairman**, PS §12-821.
- Composition**, PS §12-820.
- Established**, PS §12-819.
- Fees**.
 - Authority to establish, PS §12-824.
 - Licenses.
 - Applications, PS §12-828.
 - Examinations, PS §12-829.
 - Renewal, PS §12-833.
- Fines**.
 - Licenses.
 - Criminal penalties, PS §12-840.
 - Denial, refusal to renew, suspension or revocation.
 - Civil penalties, PS §12-837.
- Fund**, PS §12-824.1.
- Licenses**, PS §§12-826 to 12-842.
 - Applications, PS §12-828.
 - Certification of licensing status, PS §12-822.1.
 - Denial, refusal to renew, suspension or revocation, PS §12-837.
 - Appeals, PS §12-838.
 - Disciplinary proceedings, PS §12-837.
 - Examinations, PS §12-829.
 - Exceptions, PS §12-826.
 - Insurance requirements, PS §12-836.
 - Issuance, PS §12-831.
 - Mechanic licenses.
 - Emergency, PS §12-835.
 - Temporary, PS §12-834.
 - Penalties, PS §12-841.
 - Prohibited acts, PS §12-839.
 - Qualifications, PS §12-827.
 - Reciprocity, PS §12-830.
 - Reinstatement after failure to renew, PS §12-833.1.
 - Renewal, PS §12-833.
 - Required, PS §12-826.
 - Scope, PS §12-832.
- Meetings**, PS §12-822.
 - Nonattendance, resignation, PS §12-820.
- Members**, PS §12-820.
 - Compensation and reimbursement for travel expenses, PS §12-822.
- Notice**.
 - Qualification for license, PS §12-831.
- Powers**, PS §12-823.
 - Authority of secretary, PS §12-825.
- Resignation for nonattendance**, PS §12-820.
- Secretary**.
 - Authority, PS §12-825.
- Termination of title**, PS §12-842.
- EMERGENCIES**.
- Building codes**.
 - Emergency power and lighting systems, PS §12-702.

EMERGENCIES —Cont'd

- Catastrophic health emergency**.
 - Disease surveillance and response program, HG §§18-901 to 18-908.
 - See CATASTROPHIC HEALTH EMERGENCY.
- Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.
 - See HEALTH EMERGENCIES.
- Communications**.
 - Prerecorded emergency message, transmitting, CR §9-603.
- Elevator mechanics**.
 - Emergency elevator mechanic licenses, PS §12-835.
- Emergency management**.
 - See EMERGENCY MANAGEMENT.
- False alarms**, CR §9-604.
- Interference with or obstruction of emergency assistance**, PS §6-602.
- Maryland first**.
 - Statewide interoperability radio control board, PS §§1-501 to 1-503.
- Medical emergencies**.
 - See EMERGENCY MEDICAL CARE AND SERVICES.
- 911 emergency telephone system**, PS §§1-301 to 1-315.
 - See 911 EMERGENCY TELEPHONE SYSTEM.
- Prerecorded emergency message transmitting**, CR §9-603.
- Radio system**.
 - Statewide interoperability radio control board, PS §§1-501 to 1-503.
- State emergency management**, PS §§14-801 to 14-803.
 - See EMERGENCY MANAGEMENT.
- State of emergency**.
 - See EMERGENCY MANAGEMENT.
- Statewide interoperability radio control board**, PS §§1-501 to 1-503.
- Vessels and boats**.
 - Flashing red and yellow lights or signal devices.
 - Use, NR §8-727.1.
- EMERGENCY COMMUNICATIONS**.
- False alarms**, CR §9-604.
- Prerecorded emergency message**.
 - Transmitting, CR §9-603.
- EMERGENCY MANAGEMENT**.
- Agency**, PS §§14-101 to 14-115. See within this heading, "Maryland emergency management agency (MEMA)."
- Assisted living facilities**.
 - Emergency plans, PS §14-110.1.
- Catastrophic health emergency**.
 - Disease surveillance and response program, HG §§18-901 to 18-908.
 - See CATASTROPHIC HEALTH EMERGENCY.

EMERGENCY MANAGEMENT —Cont'd
Catastrophic health emergency —Cont'd
 Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.
 See HEALTH EMERGENCIES.
Civil defense volunteers.
 Workers' compensation.
 Covered employees and employers, LE §§9-232, 9-232.1.
Compacts.
 Maryland emergency management assistance compact (intrastate), PS §§14-801 to 14-803.
Emergency management agency, PS §§14-101 to 14-115. See within this heading, "Maryland emergency management agency (MEMA)."
Enforcement.
 Maryland emergency management agency (MEMA), PS §14-113.
Finance and funding.
 Emergency expenditures, PS §14-112.
 Federal funding, PS §14-112.
Governor's powers, PS §§14-3A-01 to 14-3A-08.
 Maryland emergency management agency (MEMA), PS §14-106.
 State of emergency, authority to declare, PS §14-107.
 State of emergency.
 Authority to declare, PS §14-107.
Hazardous materials and substances.
 Local emergency plans, PS §14-110.
Hospitals.
 Emergency plans, PS §14-110.1.
Human services facilities.
 Emergency plans for, PS §14-110.1.
Kidney dialysis centers.
 Emergency plans, PS §14-110.3.
Law enforcement officers and personnel.
 Enforcement, PS §14-113.
Libraries.
 Public library as essential community service during emergency, PS §14-110.2.
Local emergency plans, PS §14-110.
Maryland emergency management agency (MEMA), PS §§14-101 to 14-115.
 Citation of subtitle, PS §14-115.
 Defined terms, PS §14-101.
 Director, PS §14-104.
 Defined, PS §14-101.
 Emergency expenditures, PS §14-112.
 Emergency management advisory council, PS §14-105.
 Enforcement, PS §14-113.
 Established, PS §14-103.
 Federal funding, PS §14-112.
 Governor.
 Powers, PS §14-106.
 State of emergency, PS §14-107.
 Hazardous materials and substances.
 Local emergency plans, PS §14-110.

EMERGENCY MANAGEMENT —Cont'd
Maryland emergency management agency (MEMA) —Cont'd
 Legislative policy, PS §14-102.
 Local emergency plans, PS §14-110.
 Local organizations for emergency management, PS §14-109.
 Defined, PS §14-101.
 Local state of emergency, PS §14-111.
 Penalties, PS §14-114.
 Prohibited acts, PS §14-114.
 Purpose, PS §14-102.
 Radiological emergency response plan.
 Local emergency plans, PS §14-110.
 Salaries.
 Director, PS §14-104.
 Emergency management advisory council, PS §14-105.
 Short title, PS §14-115.
 State of emergency.
 Declaration by another state, PS §14-108.
 Declaration by governor, PS §14-107.
 Local state of emergency, PS §14-111.
Maryland emergency management assistance compact, PS §§14-801 to 14-803.
 Contents, PS §14-803.
 Defined terms, PS §14-801.
 Entered into with other jurisdictions, PS §14-803.
 Entry into, PS §14-802.
 Participation with other jurisdictions, PS §14-802.
 Purpose, PS §14-803.
Maryland first.
 Statewide interoperability radio control board, PS §§1-501 to 1-503.
Nursing homes.
 Emergency plans, PS §14-110.1.
Penalties.
 Maryland emergency management agency (MEMA), PS §14-114.
Prohibited acts.
 Maryland emergency management agency (MEMA), PS §14-114.
Radiological emergency response plan.
 Local emergency plans, PS §14-110.
Radio system.
 Statewide interoperability radio control board, PS §§1-501 to 1-503.
Salaries.
 Maryland emergency management agency (MEMA).
 Director, PS §14-104.
 Emergency management advisory council, PS §14-105.
State of emergency.
 Declaration by another state, PS §14-108.
 Governor's powers.
 Authority to declare, PS §14-107.
 Local state of emergency, PS §14-111.
Statewide interoperability radio control board, PS §§1-501 to 1-503.
 Definitions, PS §1-501.

EMERGENCY MANAGEMENT —Cont'd
Statewide interoperability radio control

board —Cont'd

Duties, PS §1-503.

Established, composition, PS §1-502.

Workers' compensation.

Covered employees and employers.

Civil defense volunteers, LE §§9-232, 9-232.1.

EMERGENCY MANAGEMENT
ADVISORY COUNCIL.

Maryland emergency management
agency (MEMA), PS §14-105.

EMERGENCY MANAGEMENT AGENCY
(MEMA), PS §§14-101 to 14-115.

See EMERGENCY MANAGEMENT.

EMERGENCY MANAGEMENT
ASSISTANCE COMPACT.

Maryland emergency management
assistance compact (intrastate), PS
§§14-801 to 14-803.

EMERGENCY MEDICAL CARE AND
SERVICES.

AIDS.

Notification of emergency medical
 technicians of exposure to virus, HG
 §18-213.

Ambulance services.

Generally.

See AMBULANCES.

Licensing, regulating, ED §13-515.

Automated external defibrillator
program, ED §13-517.

County boards of education to develop and
 implement programs, ED §7-425.

Board of nursing.

Referral of complaints by EMS board to, ED
 §13-516.

Board of regents of University of
Maryland.

Powers, ED §13-512.

Cardiac rescue technicians.

Performance of specified medical
 procedures, ED §13-516.

Charles McC. Mathias, Jr. national study
center for trauma and emergency
medical systems, ED §13-513.

Contagious diseases.

Notification of emergency medical
 technicians of exposure to contagious
 disease, HG §18-213.

Coordination of medical services.

Institute for emergency medical services
 systems.

Administrative agency responsible for,
 ED §13-504.

Criminal law and procedure.

Impersonating firefighters or emergency
 services personnel, PS §7-402.

Interference with or obstruction of
 emergency assistance, PS §7-402.

EMERGENCY MEDICAL CARE AND
SERVICES —Cont'd

Death in the line of duty.

Death benefits, PS §1-202.

Reward for information regarding person
 who causes death, PS §1-201.

Definitions, ED §§13-501, 13-516.

Diphtheria.

Notification of exposure, HG §§18-213 to
 18-213.2.

Disciplining emergency medical services
providers, ED §13-516.

Do not resuscitate orders.

Authorization to follow in the outpatient
 setting.

Health care decisions, HG §5-608.

Emergency medical care
technician-paramedic.

Contagious diseases.

Notification of exposure to contagious
 disease, HG §18-213.

Emergency medical dispatchers.

Performance of specified medical
 procedures, ED §13-516.

Emergency medical services advisory
council.

Established, ED §13-511.

Membership, chairperson, functions, staff,
 ED §13-511.

Emergency medical services field
operations.

Institute for emergency medical services
 systems.

Included in institute, ED §13-504.

Emergency medical system plan, ED
§13-509.

Emergency medical technicians.

Performance of specified medical
 procedures, ED §13-516.

Emergency telephone systems.

911 emergency telephone system, PS
 §§1-301 to 1-315.

EMS board.

Automated external defibrillator program.

Administration, powers, ED §13-517.

Chairperson and vice chairperson, ED
 §13-505.

Disciplining emergency medical services
 providers, ED §13-516.

Emergency medical system plan.

Adoption, ED §13-509.

Executive director.

Appointment, duties and functions, ED
 §13-506.

Responsibilities, ED §13-510.

Foundations created subject to audit, ED
 §13-506.

Helicopter transporting patients.

Regulations, adoption, ED §13-509.

Institute for emergency medical services
 systems.

Governed by board, ED §13-503.

EMERGENCY MEDICAL CARE AND SERVICES —Cont'd

EMS board —Cont'd

- Licensing or certification of persons providing emergency medical services, ED §13-516.
- Majority approval required for actions, ED §13-507.
- Meetings, ED §13-507.
- Membership, qualifications, terms, ED §13-505.
- Powers and duties, ED §13-508.
- Provider review panel, ED §13-516.
- Quorum for transaction of business, ED §13-507.
- Rules or procedures, adoption, ED §13-507.
- Travel expenses, ED §13-507.

EMS board provider fund, ED §13-516.

False impersonations.

- Impersonating firefighters or emergency services personnel, PS §7-402.

Fire, rescue and emergency services workers day.

- Annual proclamation by governor, GP §7-410.

Good Samaritan Law.

- Immunity for special personnel, CJ §5-603.

Heart attack.

- Death benefits.
 - Death as result of personal injury in performance of duties.
 - Presumption, PS §1-202.

Helicopter transporting patients.

- Regulations, adoption by EMS board, ED §13-509.

Hemorrhagic fevers.

- Notification of exposure, HG §§18-213 to 18-213.2.

Hepatitis.

- Exposure to.
 - Notification, HG §§18-213 to 18-213.2.

Human immunodeficiency virus.

- Notification of emergency medical technicians of exposure to virus, HG §18-213.

Income tax, subtractions from federal adjusted gross income, TG §10-208.

Institute for emergency medical services systems.

- Coordination of medical services.
 - Administrative agency responsible for, ED §13-504.
- Emergency medical services field operations.
 - Included in institute, ED §13-504.
- Established, ED §13-503.
- Funding, ED §13-503.
- Governed by emergency medical services board, ED §13-503.
- Located at University of Maryland, Baltimore, ED §13-503.
- Staff and funds as provided by budget, ED §13-504.

EMERGENCY MEDICAL CARE AND SERVICES —Cont'd

Interference with or obstruction of emergency assistance, PS §7-402.

Legislative findings, ED §13-502.

Licensing or certification of persons providing emergency medical services, ED §13-516.

Medicaid.

- Reimbursement for emergency service transporters, HG §15-114.1.

Meningitis.

- Exposure to.
 - Notification of emergency medical technicians, HG §18-213.

Mononucleosis.

- Exposure to.
 - Notification of emergency medical technicians, HG §18-213.

Mutual aid agreements, PS §§7-101 to 7-107.

- Construction and interpretation, PS §7-102.
- Defined terms, PS §7-101.
- Expenditures, PS §7-107.
- Federal government, PS §7-104.
- Other states and entities of other states, PS §7-103.

Training.

- Emergency response measures, PS §7-105.
- Workers' compensation benefits.
 - Line of duty, PS §7-106.

Rabies.

- Notification of exposure, HG §§18-213 to 18-213.2.

R. Adams Cowley shock trauma center, ED §13-514.

Rewards.

- Death in the line of duty.
 - Reward for information regarding person who causes death, PS §1-201.

Scholarships.

- Charles W. Riley fire and emergency medical services tuition reimbursement program, ED §18-603.
- Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

Stroke.

- Death benefits.
 - Death as result of personal injury in performance of duties.
 - Presumption, PS §1-202.

Training.

- Emergency response measures.
 - Mutual aid agreements, PS §7-105.

Tuberculosis.

- Exposure to tuberculosis.
 - Notification of emergency medical technicians, HG §18-213.

University of Maryland.

- Board of regents.
 - Powers, ED §13-512.

EMERGENCY MEDICAL CARE AND SERVICES —Cont'd

Unlicensed or uncertified persons providing emergency medical services.

Criminal penalties, ED §13-516.

Workers' compensation.

Mutual aid agreements.
Line of duty, PS §7-106.
Occupational diseases.

Statutory presumption for first responders, LE §9-503.

EMERGENCY MEDICAL DISPATCHERS.

Performance of specified medical procedures, ED §13-516.

EMERGENCY MEDICAL TECHNICIANS.

Death in the line of duty.

Death benefits, PS §1-202.
Reward for information regarding person who causes death, PS §1-201.

Performance of specified medical procedures, ED §13-516.

Reward.

Death in the line of duty.
Reward for information regarding person who causes death, PS §1-201.

EMERGENCY TELEPHONE SYSTEMS.

911 emergency telephone system.

See 911 EMERGENCY TELEPHONE SYSTEM.

EMERGENCY VEHICLES.

Ambulances.

General provisions.
See AMBULANCES.

Defined, TR §§11-118, 22-412.4.

Drivers.

Liability, CJ §5-639, TR §§19-103, 21-106.

Drivers' licenses, exemptions, TR §16-102.

Duty of care.

Driver of emergency vehicle not relieved from, TR §21-405.

Edge or curb of roadway.

Driving to on approach of emergency vehicle, TR §21-405.

Flashing red lamps, TR §22-218.

Judgments and decrees.

Effect of judgment against owner or lessee, CJ §5-639, TR §19-103.

Liability for negligent operation of emergency vehicle, CJ §5-639, TR §§19-103, 21-106.

Maryland transportation authority highways.

Turning regulated, TR §21-1408.

Move over law, TR §21-405.

Passing emergency vehicle, TR §21-405.

Pedestrians to yield right-of-way, TR §21-510.

Police vehicles, TR §22-218.

Visual signals not required, TR §21-106.

Privileges, TR §21-106.

EMERGENCY VEHICLES —Cont'd

Right of way.

Operation of vehicles on approach of authorized emergency vehicles, TR §21-405.

Pedestrians yield to authorized emergency vehicles, TR §21-510.

Seat belts or restraining devices, TR §22-412.4.

Signals.

Audible and visual signals.
Use required, TR §21-106.

Sirens, whistles and bells, TR §22-218.

Authorized, TR §22-401.

Sound level limits for operation of vehicles.

Exemption of authorized emergency vehicles, TR §22-604.

Spot lamps, fog lamps and auxiliary driving lamps.

Section not applicable, TR §22-217.

Stopped, standing, parked emergency vehicles.

Duty of driver upon approach, TR §21-405.

Stopping until emergency vehicle passes, TR §21-405.

EMINENT DOMAIN.

Municipal corporations.

Urban renewal authority, LG §5-215.

EMPLOYEES' PENSION SYSTEM.

Benefits.

Continuation, SPP §23-501.

EMPLOYERS AND EMPLOYEES.

Access to information about hazardous and toxic substances.

General provisions, LE §§5-401 to 5-410.
See OCCUPATIONAL SAFETY AND HEALTH.

Catastrophic health emergency disease surveillance and response program.

Quarantine directive issued by secretary.
Discharge from employment prohibited, HG §18-906.

Hazardous substance information access.

General provisions, LE §§5-401 to 5-410.
See OCCUPATIONAL SAFETY AND HEALTH.

Toxic substance information access.

General provisions, LE §§5-401 to 5-410.
See OCCUPATIONAL SAFETY AND HEALTH.

Workers' compensation.

General provisions.
See WORKERS' COMPENSATION.

ENEMY ATTACK.

Emergency management.

See EMERGENCY MANAGEMENT.

ENVIRONMENT.

Flammable products.

Maryland flammable products act, HG §§22-401 to 22-407.

INDEX

ENVIRONMENT —Cont'd

Hazardous materials and substances.

General provisions.

See HAZARDOUS MATERIALS AND SUBSTANCES.

Lead and mercury wheel weights, EN §6-501.

Mercury wheel weights, EN §6-501.

ENVIRONMENTAL NOISE STANDARDS, SOUND LEVELS AND NOISE CONTROL RULES AND REGULATIONS, EN §3-401.

EPIDEMICS.

Contagious diseases generally.

See CONTAGIOUS DISEASES.

ESCALATORS.

Defined.

Elevator safety, PS §12-801.

Elevator safety generally, PS §§12-801 to 12-842.

See ELEVATORS.

EVACUATION.

Catastrophic health emergency.

Governor's order, PS §14-3A-03.

Human services facilities.

Emergency management plans to include procedures for, PS §14-110.1.

EVACUATION PROCEDURES, PS §§9-501 to 9-506.

Automatic fire extinguishing systems.

Specified buildings, PS §9-503.

Conflict of laws.

Effect on other fire safety laws, PS §9-501.

Hospitals.

Alternative requirements for acute care hospitals, PS §9-505.

Notice.

Posting required, PS §9-502.

Posting required, PS §9-502.

Scope, PS §9-501.

Violations, PS §9-506.

EVIDENCE.

Center for the study of the health effects of fire.

Inadmissibility of information collected, HG §18-705.

Health.

Center for the study of the health effects of fire.

Information collected inadmissible, HG §18-705.

Motor vehicles.

Emergency vehicles.

Seat belts or restraining devices, failure to use.

Evidence of civil actions, TR §22-412.4.

Postmortem examiners.

Medical examiners.

Autopsies.

Retention, disposal, HG §5-310.

EXPLOSIONS AND EXPLOSIVES, PS §§11-101 to 11-118.

Applicability, PS §11-102.

Blaster's permits.

Applications, PS §11-106.

Criminal history records checks, PS §11-106.

Denial of application, PS §11-107.

Issuance, PS §11-107.

Workers' compensation.

Certificate of compliance, PS §11-107.

Burden of proof, PS §11-118.

Criminal history records checks.

Licenses and permits, PS §11-106.

Defined terms, PS §11-101, TR §11-119.

Destructive devices, CR §§4-501 to 4-503.

Arrest without a warrant.

Fire marshal's authority, CP §2-208.

Definitions, CR §4-501.

Exceptions to subtitle, CR §4-502.

False statement or rumor, CR §9-504.

Manufacture or possession prohibited, CR §4-503.

Representation of destructive device.

Manufacturing, possessing or transporting, CR §9-505.

Restitution ordered for violation, CR §4-503.

Scope of subtitle, CR §4-502.

Warrantless arrest.

Fire marshal's authority, CP §2-208.

Emergency management.

See EMERGENCY MANAGEMENT.

Fees.

Fire marshal, PS §11-104.

Licenses, PS §11-106.

Fines.

License or other violations, PS §11-114.

Additional penalties, PS §11-116.

Merger of convictions, PS §11-117.

Firearms.

Explosives for use in firearms.

License to possess, PS §11-105.

Penalties for violations, PS §11-115.

Fire hazards.

Maintenance of fire hazard prohibited, PS §6-317.

Fire marshal.

Powers, PS §11-104.

Revocation of licenses, PS §11-111.

Theft of explosives, PS §11-113.

Fire prevention code, COMAR 29.06.01.09.

Fire prevention commission.

Regulations, authority to adopt, PS §11-103.

Fireworks, PS §§10-101 to 10-210.

See FIREWORKS.

Forfeiture of vehicle for violations, CP §13-301.

General assembly.

Bringing explosives or incendiary devices into senate or house chambers, SG §2-1702.

EXPLOSIONS AND EXPLOSIVES —Cont'd**Investigations.**

Fire marshal's powers, PS §§6-309, 11-104.

Labor and employment relations.

Employees of businesses that use explosives.
Sale, distribution and use of explosives, PS §11-110.

Liability insurance.

Licenses.
Proof of, PS §11-106.

Licenses, PS §§11-101 to 11-118.

Applications, PS §11-106.
Denial of application, PS §11-107.
Burden of proof, PS §11-118.
Criminal history records checks, PS §11-106.
Dealer's license, PS §11-105.
Scope of license, PS §11-108.
Defined terms, PS §11-101.
Denial of application, PS §11-107.
Employees of businesses that use explosives.
Sale, distribution and use of explosives, PS §11-110.
Fees, PS §11-106.
Information required, PS §11-106.
Issuance, PS §11-107.
Liability insurance.
Proof of, PS §11-106.
License to possess, PS §11-105.
Manufacturer's license, PS §11-105.
Notice of issuance, PS §11-107.
Penalty for violations, PS §11-114.
Additional penalties, PS §11-116.
Explosives for use in firearms, PS §11-115.
Merger of convictions, PS §11-117.
Records and reports, PS §11-112.
Theft of explosives, PS §11-113.
Required, PS §11-105.
Revocation, PS §11-111.
Scope of subtitle, PS §11-102.
Term of license, PS §11-109.
Unlicensed practice, PS §11-114.
Workers' compensation.
Certificate of compliance, PS §11-107.

Motor vehicles.

Forfeiture of vehicle for violations, CP §13-301.

Penalties for violations, PS §11-114.

Additional penalties, PS §11-116.
Explosives for use in firearms, PS §11-115.
Forfeiture of vehicle, CP §13-301.
Merger of convictions, PS §11-117.

Permits.

Blaster's permits.
Applications, PS §11-106.
Criminal history records checks, PS §11-106.

EXPLOSIONS AND EXPLOSIVES —Cont'd**Permits —Cont'd**

Blaster's permits —Cont'd
Denial of application, PS §11-107.
Issuance, PS §11-107.
Workers' compensation.
Certificate of compliance, PS §11-107.

Possession.

License to possess, PS §11-105.
Information required, PS §11-106.
Possession without a license, PS §11-114.
Additional penalties, PS §11-116.

Prohibited acts, PS §11-114.

Additional penalties, PS §11-116.
Explosives for use in firearms, PS §11-115.
Merger of convictions, PS §11-117.

Records.

Manufacturers and dealers, PS §11-112.

Reports.

Explosives for use in firearms.
Failure to file, PS §11-115.
Investigations of explosions and fires, PS §11-104.
Manufacturers and dealers, PS §11-112.
Theft of explosives, PS §11-113.

Right of entry.

Fire marshal.
Investigations of explosions and fires, PS §11-104.

Rules and regulations.

Authority to adopt, PS §11-103.
Revocation of licenses, PS §11-111.

Safety signals.

Applicability, PS §11-102.

Sales.

Employees of businesses that use explosives, PS §11-110.
Explosives for use in firearms.
Penalties for violations, PS §11-115.
Sales to unlicensed persons, PS §11-114.

Scope of subtitle, PS §11-102.**Theft of explosives.**

Reports, PS §11-113.

Transportation, PS §11-102.**Unlicensed sale or possession, PS §11-114.****Workers' compensation.**

Licenses.
Certificate of compliance, PS §11-107.

EXPOSURE TO DEADLY AGENTS.**Catastrophic health emergency.**

Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

EXTENSION CORDS.**Labeling electrical products, CL §13-308.****EYELASHES.**

Topical medication, physician dispensing without dispensing permit, HO §14-509.

F

FALSE ALARMS, CR §9-604.

- Activation of alarm system**, CR §9-608.
 - Defective system, notice to user, use after notice, CR §9-610.
 - Definitions, CR §9-607.
 - Multiple false of alarms, CR §9-609.
 - Nonemergency activation of signal, CR §9-608.

- Destructive device or toxic material.**
 - False statement or rumor concerning, CR §9-504.

Warrantless arrest, CP §2-203.

FALSE IMPERSONATIONS.

Ambulances.

- Impersonating firefighters or emergency services personnel, PS §7-402.

Emergency medical care and services.

- Impersonating firefighters or emergency services personnel, PS §7-402.

Fire department.

- Impersonating firefighters or emergency services personnel, PS §7-402.

Fire marshal or employee, PS §6-602.

Rescue squads.

- Impersonating firefighters or emergency services personnel, PS §7-402.

FALSE PRETENSES AND FALSE STATEMENTS.

Building codes.

- Electrical code.
 - Penalty for false statement on application, PS §12-616.

False statement or rumor as to destructive device or toxic material, CR §9-504.

FEDERAL LAW ENFORCEMENT OFFICERS.

Authority, CP §2-104.

- Immunity from suit when exercising, CJ §5-611.

Park police officers.

- Authority to enforce state laws within park, CP §2-104.1.
- Authority to issue citations, CP §§2-104.1, 4-101.

FEES.

Ambulances.

- Licenses.
 - Ambulance services, ED §13-515.

Building codes.

- Electrical code.
 - Inspectors, application for certification, PS §12-608.
 - Implementation and enforcement of performance standards, PS §12-505.

Charities.

- Schedule of annual fees, BR §6-407.

Elevators.

- Elevator safety review board.
 - Authority to establish, PS §12-824.

FEES —Cont'd

Elevators —Cont'd

- Emergency elevator mechanic licenses, PS §12-835.
- Inspections, PS §12-809.
- Licenses.
 - Applications, PS §12-828.
 - Examinations, PS §12-829.
 - Renewal, PS §12-833.

Elevator safety review board.

- Authority to establish, PS §12-824.

Explosives.

- Fire marshal, PS §11-104.

Fire marshal, PS §6-308.

- Explosives, PS §11-104.

Fireworks.

- Permits, PS §10-104.
- Sparklers.
 - Registration of distributors and wholesalers, PS §10-113.

Fireworks plants.

- License to operate, PS §10-201.

Municipal corporations.

- Collection of impact fees, LG §5-102.

911 fee, PS §1-310.

- Additional charges, PS §1-311.
- Prepaid wireless E911 fee, PS §1-313.

Postmortem examiners.

- Autopsies.
 - Fee for pathologist.
 - Chief medical examiner to set fee, HG §5-310.

Public safety solicitors.

- Application for registration, BR §6-5A-02.

Recordation.

- Corporations.
 - Exemption for certain entities, CA §1-203.1.
 - Exemption of volunteer fire companies and rescue squads, CA §1-203.1.

Vessels and boats.

- Certificate of title.
 - Originals and duplicates, NR §8-716.
 - Numbering of vessel, NR §8-712.

FELONIES.

Arson in the first degree, CR §6-102.

Arson in the second degree, CR §6-103.

Assisted suicide, CR §3-104.

Communications interception, CJ §10-402.

Explosions and explosives.

- License or other violations, PS §11-116.
- Merger of convictions, PS §11-117.

False statement concerning destructive device or toxic material, CR §9-504.

Hate crimes, CR §10-306.

Manufacture or possession of destructive device, CR §4-503.

Representation of destructive device.

- Manufacturing, possessing or transporting, CR §9-505.

Suicide.

- Assisted suicide, CR §3-104.

FELONIES —Cont'd

Wiretapping.

Unlawful acts, CJ §10-402.

FENCES.

Fireworks plants, PS §10-204.

FINANCIAL AID FOR STUDENTS.

Definitions, ED §18-101.

Eligible institutions, ED §18-103.

Public safety personnel.

Scholarships, ED §§18-601 to 18-604.

FINES.

Amusement service, ED §13-515.

Building codes.

Electrical code.

Disciplinary actions against inspectors,
PS §12-612.

Penalties for violations, PS §12-616.

Structural iron or steel.

Beams or girders with studs or
reinforcing shear connectors, PS
§12-704.

Catastrophic health emergency, PS
§14-3A-08.

Charities.

Grossly negligent violations, BR §6-619.

Willful violations, BR §6-619.

Children in need of assistance.

Contributing to certain conditions of child,
CJ §3-828.

District Court.

Collection, CJ §1-605.

Elevators.

Licenses.

Criminal penalties, PS §12-840.

Denial, refusal to renew, suspension or
revocation.

Civil penalty, PS §12-837.

Emergency management.

Maryland emergency management agency
(MEMA), PS §14-114.

Explosives.

Explosives for use in firearms, PS §11-115.

License or other violations, PS §11-114.

Additional penalties, PS §11-116.

Merger of convictions, PS §11-117.

**Fire safety performance standards for
cigarettes.**

Civil penalties for violations, BR §16-608.

Distribution, BR §16-609.

Fireworks.

Possession, sale or permit violations, PS
§10-111.

Sparklers.

Registration of distributors and
wholesalers, PS §10-113.

Fireworks plants, PS §10-210.

Forests and parks.

Fires.

Failure to render aid when summoned,
NR §5-701.

Maliciously setting fires, NR §5-704.

FINES —Cont'd

Forests and parks —Cont'd

Railroads.

Failure to maintain safety strips, NR
§5-714.

Inspections by local fire departments.

Hindering, obstructing or refusing to allow
inspection, PS §9-805.

Motor vehicle insurance.

Operating vehicle not covered by required
security, TR §17-107.

Motor vehicles.

Penalties for misdemeanors, TR §27-101.

Propane fueled vehicles.

Identification decals, TR §22-404.4.

Parking.

Prohibited in specified places, TR §21-1003.

Physicians.

Licenses.

Fraud.

Practicing without license, HO §14-606.

Violations of title, HO §14-606.

Railroads.

Failure to maintain safety strips, NR
§5-714.

Signs and signals.

Interference with prohibited, TR §21-206.

Smoke detector violations, PS §9-109.

Sprinkler system violations, PS §9-206.

Fire sprinkler contractor licensing, PS
§9-905.

Traffic control devices.

Interference with prohibited, TR §21-206.

FINGERPRINTING.

Fire department.

Criminal history record checks, PS §6-306.

Fire marshal.

Criminal history record checks, PS §6-306.

Paramedics.

Criminal history record checks, PS §6-306.

Rescue squads.

Criminal history record checks, PS §6-306.

FIRE ALARMS.

Audible systems.

Equipped to automatically silence, CR
§9-611.

Defective system.

Notice to user, use after notice, CR §9-610.

Definitions, CR §9-607.

False alarms, CR §9-608.

Multiple alarms, CR §9-609.

FIREARMS.

Concealed weapons.

Warrantless arrest, CP §2-203.

Explosives for use in firearms.

License to possess, PS §11-105.

Penalties for violations, PS §11-115.

Gunpowder.

Explosives for use in firearms.

License to possess, PS §11-105.

INDEX

FIREARMS —Cont'd

Trapshooting, skeetshooting or other target shooting.

Environmental sound level limits and noise control rules and regulations, EN §3-401.

FIRE DEPARTMENT.

Acquired immune deficiency syndrome (AIDS).

Notification of fire fighters of exposure to virus, HG §18-213.

Allegheny county.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Ambulances.

Volunteer firemen and rescue squadmen generally. See within this heading, "Volunteer firemen and rescue squadmen."

Autopsies.

Toxicological examinations, HG §5-310.

Charitable contributions.

Public safety solicitors.
See CHARITIES.

Contagious diseases.

Notification of fire fighters of exposure to contagious disease, HG §18-213.

Corporations.

Provision of fire, ambulance and rescue services by for-profit entities, PS §7-401.

Criminal history records checks.

Firefighters, rescue squad members and paramedics, PS §6-306.

Criminal law and procedure.

Impersonating firefighters or emergency services personnel, PS §7-402.

Inspections by local fire departments.

Hindering, obstructing or refusing to allow inspection, PS §9-805.

Interference with or obstruction of emergency assistance, PS §7-402.

Death in the line of duty.

Autopsies of fire fighters, HG §5-310.

Death benefits, PS §1-202.

Reward for information regarding person who causes death, PS §1-201.

Diphtheria.

Notification of exposure, HG §§18-213 to 18-213.2.

Drivers' licenses.

Exemptions, TR §16-102.

Emergency trust fund.

Volunteer company emergency trust fund.
See within this heading, "Volunteer firemen and rescue squadmen."

Emergency vehicles.

See EMERGENCY VEHICLES.

False alarms.

Warrantless arrest, CP §2-203.

False impersonations.

Impersonating firefighters or emergency services personnel, PS §7-402.

FIRE DEPARTMENT —Cont'd

Fines.

Inspections by local fire departments.

Hindering, obstructing or refusing to allow inspection, PS §9-805.

Fingerprinting.

Criminal history record checks, PS §6-306.

Fire marshal.

See FIRE MARSHAL.

Fire police.

Washington county.

Members of fire and ambulance company, PS §7-304.

Fire service technology.

Tuition.

Reimbursement of firemen and rescue squadmen for tuition, ED §18-603.

Flag benefit.

Firefighter killed in performance of duty.

Issuance to family, PS §1-202.

For-profit entities.

Provision of fire, ambulance and rescue services by for-profit entities, PS §7-401.

Funds.

Senator William H. Amoss fire, rescue and ambulance fund, PS §§8-101 to 8-106.

Volunteer company assistance fund, PS §§8-201 to 8-206.

Good Samaritan law.

Immunity from civil liability, CJ §5-604.

Heart attack.

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

Hemorrhagic fevers.

Notification of exposure, HG §§18-213 to 18-213.2.

Hepatitis.

Exposure to.

Notification, HG §§18-213 to 18-213.2.

Human immunodeficiency virus.

Notification of fire fighters of exposure to virus, HG §18-213.

Inspections by local fire departments, PS

§§9-801 to 9-805.

Applicability, PS §9-802.

Defined terms, PS §9-801.

Fire inspections authorized, PS §9-803.

Fire officials.

Defined, PS §9-801.

Powers, PS §9-803.

Hindering, obstructing or refusing to allow inspection, PS §9-805.

Notice.

Removal of combustible material, PS §9-804.

Rescue squads.

Obstructing prohibited, PS §9-803.

Scope of subtitle, PS §9-802.

Insurance.

Group life insurance for volunteer fire fighters, IN §17-208.

FIRE DEPARTMENT —Cont'd**Insurance** —Cont'd

Liability insurance for individuals assisting department, IN §19-105.

Interference with or obstruction of emergency assistance, PS §7-402.**Liability.**

Immunity from civil liability for acts or omissions in course of duties, CJ §5-604.

Life insurance and annuities.

Group life insurance for volunteer fire fighters, IN §17-208.

Meningitis.

Exposure to.
Notification of fire fighters, HG §18-213.

Mononucleosis.

Exposure to.
Notification of fire fighters, HG §18-213.

Motor vehicles.

Drivers' licenses exemptions, TR §16-102.

Fire hose.

Crossing prohibited, TR §21-1110.

Following fire apparatus prohibited, TR §21-1109.

Lights.

Oscillating, blinking, etc., lights on certain vehicles, TR §22-218.

Seat belts or restraining devices in emergency vehicles, TR §22-412.4.

Mutual aid agreements, PS §§7-101 to 7-107.

Construction and interpretation, PS §7-102.

Defined terms, PS §7-101.

Expenditures, PS §7-107.

Federal government, PS §7-104.

Other states and entities of other states, PS §7-103.

Training.

Emergency response measures, PS §7-105.

Workers' compensation benefits.

Line of duty, PS §7-106.

Negligence.

Immunity from civil liability for acts or omissions performed in course of duties, CJ §5-604.

911 emergency telephone system, PS §§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Notice.

Inspections by local fire departments.

Removal of combustible material, PS §9-804.

Plague.

Notification of exposure, HG §§18-213 to 18-213.2.

Private water sources.

Right to enter private property to obtain water, PS §7-403.

Rabies.

Notification of exposure, HG §§18-213 to 18-213.2.

FIRE DEPARTMENT —Cont'd**Rescue squad.**

Volunteer firemen and rescue squadmen generally. See within this heading, "Volunteer firemen and rescue squadmen."

Rewards.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

Scholarships.

Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

Children of firemen killed in line of duty, ED §18-602.

Children or surviving spouses of public safety employees killed in line of duty, ED §18-601.

Sheriffs.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Commanding officer.

Defined, PS §7-301.

Counties designated, PS §§7-302, 7-303.

Powers, PS §§7-302, 7-303.

Stroke.

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

Taxation.

Exemption.

Nonprofit incorporated fire company.

Property exempt, TP §7-209.

State adjustments for firefighters, TG §10-208.

Training.

Emergency response measures.

Mutual aid agreements, PS §7-105.

Tuberculosis.

Exposure to tuberculosis.

Notification of fire fighters, HG §18-213.

Vessels and boats.

Fire department vessels.

Flashing red and yellow lights or signal devices.

Use, NR §8-727.1.

Misdemeanors.

Violations of section by operators, NR §8-727.1.

Volunteer company assistance fund, PS §§8-201 to 8-206.**Volunteer firemen and rescue squadmen.**

Corporations.

Recordation fees.

Exemption, CA §1-203.1.

Death in the line of duty.

Death benefits, PS §§1-202, 7-201 to 7-205.

Board defined, PS §7-201.

Eligibility, PS §7-203.

Funding, PS §7-204.

FIRE DEPARTMENT —Cont'd

- Volunteer firemen and rescue squadmen** —Cont'd
 - Death in the line of duty —Cont'd
 - Death benefits —Cont'd
 - On duty defined, federal act, PS §7-205.
 - Reward for information regarding person who causes death, PS §1-201.
 - Disability and death benefits, PS §§7-201 to 7-205.
 - Board defined, PS §7-201.
 - Disability benefits, eligibility, PS §7-202.
 - Eligibility, PS §7-203.
 - Disability benefits, PS §7-202.
 - Funding, PS §7-204.
 - On duty defined, federal act, PS §7-205.
 - Drivers' licenses exemptions, TR §16-102.
 - Funds.
 - Volunteer company assistance fund, PS §§8-201 to 8-206.
 - Good Samaritan law.
 - Immunity from liability, CJ §5-603.
 - Income tax, subtractions from federal adjusted gross income, TG §10-208.

Waiver.

- Immunity from civil liability.
 - Waiver of immunity, CJ §5-604.

Workers' compensation.

- Mutual aid agreements.
 - Line of duty, PS §7-106.
- Occupational diseases.
 - Statutory presumption for first responders, LE §9-503.
- Permanent partial disability.
 - Compensation for less than 75 weeks. Rate, LE §9-628.

FIRE EXTINGUISHERS.

Nonwater-based fixed fire extinguishing systems, COMAR 29.06.01.11-1.

Portable fire extinguishers, COMAR 29.06.01.11.

FIRE FIGHTERS.

Fire department.

See FIRE DEPARTMENT.

FIRE HAZARDS.

- Abatement orders,** PS §6-318.
 - Failure to comply with order, PS §6-320.
 - Service of process, PS §6-319.

Additional remedies, PS §6-321.

Buildings.

- Search warrants.
 - See FIRE MARSHAL.

Citation for maintaining.

- Fire marshal authorized to charge by, CP §4-101.

Forests and parks.

- Generally, NR §§5-701 to 5-706.
- Railroads, NR §§5-707 to 5-714.

FIRE HYDRANTS.

Counties.

- Location and construction, LG §12-508.

FIRE INSURANCE.

- Anti arson applications,** IN §§19-301 to 19-309.
 - Alternative applications, IN §19-306.
 - Assignment of policy or contract, IN §19-304.
 - Defined, IN §19-301.
 - Designation of geographic areas.
 - Effect of designation, IN §19-308.
 - Extension to other types of policies, IN §19-304.
 - Forms, IN §19-305.
 - Limitations on insurer, IN §19-308.
 - Misrepresentation in application, IN §19-307.
 - Notice of changes, IN §19-307.
 - Owner-occupied dwellings for one to four families.
 - Applicability of subsection, IN §19-308.
 - Part of the policy, IN §19-307.
 - Purpose of subtitle, IN §19-302.
 - Regulations, IN §19-303.
 - Requirement, IN §19-304.
 - Scope of subtitle, IN §19-302.
 - Termination of policy or contract, IN §19-309.

Confidentiality of information.

- Disclosure of fire loss investigation reports, PS §9-604.
 - Immunity from criminal and civil liability, PS §9-605.

Criminal law and procedure.

- Disclosure of fire loss investigation reports.
 - Violations, PS §9-606.

Disclosure of fire loss investigation reports, PS §§9-601 to 9-606.

- Confidentiality of information, PS §9-604.
 - Immunity from criminal and civil liability, PS §9-605.
- Cooperation with fire investigator, PS §9-602.
 - Defined terms, PS §9-601.
 - Immunity from criminal and civil liability, PS §9-605.
- Insurer's disclosures, PS §9-602.
 - Loss caused by incendiary means, PS §9-603.
- Prohibited acts, PS §9-606.
- Violations, PS §9-606.

Investigations.

- Cooperation with fire investigator, PS §9-602.
 - Loss caused by incendiary means, PS §9-603.
- Disclosure of fire loss investigation reports, PS §§9-601 to 9-606.

Property and casualty insurance.

- Generally.
 - See PROPERTY AND CASUALTY INSURANCE.

Reports.

- Disclosure of fire loss investigation reports, PS §§9-601 to 9-606.

FIRE MARSHAL, PS §§6-301 to 6-322.

Abatement orders, PS §6-318.

Failure to comply with order, PS §6-320.
Service of process, PS §6-319.

Appeals, PS §§6-501 to 6-503.

Judicial review of commission's decision, PS §6-503.

Procedure, PS §6-502.

Right to file appeal to commission, PS §6-501.

Appointment, PS §6-302.

Arrest.

Authority, PS §6-311.

Arrest without a warrant.

Authority of fire marshal and assistants, CP §2-208.

Arson.

Arrest without warrant.

Persons committing specified violations, CP §2-208.

Assistant state fire marshals, PS §6-304.

Baltimore City, PS §§6-401 to 6-403.

Applicability, PS §6-401.

Assistance to chief of Baltimore City fire department, PS §6-402.

Building codes.

Electrical code.

Administration and enforcement, PS §12-604.

Disciplinary actions against inspectors.

Appeal of decision of fire marshal, PS §12-614.

Issuance of inspector certificate, PS §12-609.

Renewal of inspector certificate, PS §12-611.

Citations, charging by, CP §4-101.

Construction law.

Plan review, fees, PS §6-308.

Contagious disease or virus.

Notification of members of fire marshal's office of exposure to, HG §18-213.1.

Criminal history records checks.

Firefighters, rescue squad members and paramedics, PS §6-306.

Criminal law and procedure.

Impersonation of fire marshal or employee, PS §6-602.

Interference with or obstruction of emergency assistance, PS §6-602.

Interference with or obstruction of investigations, PS §6-602.

Death in the line of duty.

Death benefits, PS §1-202.

Reward for information regarding person who causes death, PS §1-201.

Deputy state fire marshals, PS §6-303.

Duties, PS §6-305.

Emergencies.

Interference with or obstruction of emergency assistance, PS §6-602.

Enforcement powers, PS §6-305.

Abatement orders, PS §6-318.

Failure to comply with order, PS §6-320.

FIRE MARSHAL —Cont'd

Enforcement powers —Cont'd

Abatement orders —Cont'd

Service of process, PS §6-319.

Administrative search warrants.

Inspections, PS §6-316.

Investigations, PS §6-315.

Arrest, PS §6-311.

Authority to take testimony, PS §6-310.

Establishment of office, PS §6-301.

Explosions and explosives.

Investigations, PS §6-309.

Powers, PS §11-104.

Revocation of licenses, PS §11-111.

Theft of explosives, PS §11-113.

Fees, PS §6-308.

Explosives, PS §11-104.

Fingerprinting.

Criminal history record checks, PS §6-306.

Fire hazards.

Abatement orders, PS §6-318.

Failure to comply with order, PS §6-320.

Service of process, PS §6-319.

Additional remedies, PS §6-321.

Maintaining.

Citation, authorized to issue, CP §4-101.

Prohibited, PS §6-317.

Fire prevention commission.

Authority, PS §6-205.

Fire sprinkler contractor licensing.

Duties, PS §9-904.

Fireworks.

Generally.

See FIREWORKS.

Permits.

Authority to grant, PS §10-103.

Fireworks plants.

License to operate, PS §10-201.

Rules and regulations, PS §10-202.

Flag benefit.

Firefighter killed in performance of duty.

Issuance to family, PS §1-202.

Heart attack.

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

Immunities from liability and exemption.

Warrantless arrest power, acting under, CP §2-208.

Impersonation, PS §6-602.

Injunctions.

Abatement orders, PS §6-318.

Failure to comply with order, PS §6-320.

Service of process, PS §6-319.

Inspections.

Administrative search warrants, PS §6-316.

Fees, PS §6-308.

Public buildings, PS §6-307.

Investigations, PS §6-309.

Administrative search warrants, PS §6-315.

Arrest authority, PS §6-311.

Interference with or obstruction, PS §6-602.

INDEX

FIRE MARSHAL —Cont'd

Investigations —Cont'd

Reports, PS §6-312.

Notice.

Exposure of members of fire marshal's office to contagious disease or virus, HG §18-213.1.

Warrantless arrest power, acting under, CP §2-208.

Oaths.

Authority to take testimony, PS §6-310.

Office.

Established, PS §6-301.

Staff, PS §6-303.

State police department, unit of, PS §2-207.

Perjury.

False testimony, PS §6-310.

Plan review.

County and municipal fire prevention codes, PS §9-702.

Fees, PS §6-308.

Powers, PS §6-305.

Secretary, PS §6-322.

Qualifications, PS §6-302.

Assistant state fire marshals, PS §6-304.

Deputy state fire marshals, PS §6-303.

Special assistant state fire marshals, PS §6-304.

Removal, PS §6-302.

Assistant and special assistant state fire marshals, PS §6-304.

Reports.

Baltimore City fire department, PS §6-403.

Investigations, PS §6-312.

Explosions and fires, PS §11-104.

Reward.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

Right of entry.

Investigations of explosions and fires, PS §11-104.

Salary, PS §6-302.

Searches and seizures.

Inspections.

Administrative search warrants, PS §6-316.

Investigations.

Administrative search warrants, PS §6-315.

Search warrants.

Directed to fire marshal or authorized assistant, CP §1-203.

Secretary.

Authority of secretary, PS §6-322.

Service of process.

Abatement orders, PS §6-319.

Smoke detectors.

Smoke detection installation orders, PS §9-108.

Special assistant state fire marshals, PS §6-304.

FIRE MARSHAL —Cont'd

Sprinkler systems, PS §§9-201 to 9-206.

Fire sprinkler contractor licensing.

Duties, PS §9-904.

Staff, PS §6-303.

Stroke.

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

Subpoenas.

Authority to take testimony, PS §6-310.

Term, PS §6-302.

Violations of title, PS §§6-601, 6-602.

Warrantless arrest.

Authority of fire marshal and assistants, CP §2-208.

Witnesses.

Authority to take testimony, PS §6-310.

Workers' compensation.

Occupational diseases.

Statutory presumption, LE §9-503.

FIREPLACES.

Consumer protection.

Sale, distribution or installation of freestanding fireplaces, CL §14-1309.

FIRE POLICE.

Washington county.

Fire and ambulance company members.

Designation, powers, termination, removal, PS §7-304.

FIRE PREVENTION CODE, COMAR

29.06.01.

Applicability and scope of regulations,

COMAR 29.06.01.03.

Blasting operations.

Control of air overpressure and ground vibrations, COMAR 29.06.01.10.

Definitions, COMAR 29.06.01.05.

Electrical inspectors.

Nongovernmental electrical inspectors, certification, COMAR 29.07.01.

Enforcement, COMAR 29.06.01.04.

Fire extinguishers.

Nonwater-based fixed fire extinguishing systems, COMAR 29.06.01.11-1.

Portable fire extinguishers, COMAR 29.06.01.11.

Fireworks and explosive materials,

COMAR 29.06.01.09.

Flame retardant chemicals.

Sale or use, COMAR 29.06.01.15.

Heaters and stoves.

Sale and use, COMAR 29.06.01.14.

Incorporation by reference, COMAR

29.06.01.06.

Fire code, national fire protection association 1 uniform, COMAR 29.06.01.08.

National fire protection association 101 life safety code, COMAR 29.06.01.07.

FIRE PREVENTION CODE —Cont'd
Portable fire extinguishers, COMAR
 29.06.01.11.

Purpose of code, COMAR 29.06.01.02.

Title of code, COMAR 29.06.01.01.

**Visual obscuration systems associated
 with security or burglar alarm
 systems, prohibited**, COMAR
 29.06.01.16.

FIRE PREVENTION COMMISSION, PS
 §§6-201 to 6-207.

Appeals, PS §§6-501 to 6-503.

Judicial review of commission's decision, PS
 §6-503.

Procedure, PS §6-502.

Right to file appeal to commission, PS
 §6-501.

Baltimore City, PS §§6-401 to 6-403.

Applicability, PS §6-401.

Assistance to chief of Baltimore City fire
 department, PS §6-402.

Building codes.

Emergency power and lighting systems, PS
 §12-702.

Chairman, PS §6-203.

Composition, PS §6-202.

Conflict of laws.

Regulations, PS §6-206.

Created, PS §6-201.

Definitions.

Fees for fire prevention services, COMAR
 29.06.04.03.

Fire sprinkler contractor licensing, COMAR
 29.06.05.03.

Duties, PS §6-205.

Education and training.

Annual seminars, PS §6-205.

Established, PS §6-201.

Explosives generally, PS §§11-101 to
 11-118.

See EXPLOSIONS AND EXPLOSIVES.

Fees for fire prevention services, COMAR
 29.06.04.

Fire marshal.

Authority, PS §6-205.

Generally, PS §§6-301 to 6-322.

See FIRE MARSHAL.

Fire sprinkler contractor licensing,
 COMAR 29.06.05.

Fireworks.

Rules and regulations, PS §10-109.

Ground-based sparkling devices, COMAR
 29.06.07.

Applicability, COMAR 29.06.07.02.

Definitions, COMAR 29.06.07.03.

Displays, COMAR 29.06.07.07.

Distributors.

Registration, COMAR 29.06.07.04.

Fire protection, COMAR 29.06.07.08.

Generators, COMAR 29.06.07.13.

Means of egress, COMAR 29.06.07.09.

Penalties, COMAR 29.06.07.17.

FIRE PREVENTION COMMISSION
 —Cont'd

Ground-based sparkling devices —Cont'd
 Personnel, COMAR 29.06.07.14.

Purpose, COMAR 29.06.07.01.

Quantities, COMAR 29.06.07.06.

Sales and storage, COMAR 29.06.07.05.

Scope of chapter, COMAR 29.06.07.02.

Signs, COMAR 29.06.07.15.

Sources of ignition, COMAR 29.06.07.10.

Temporary heating sources, COMAR
 29.06.07.12.

Wholesalers.

Registration, COMAR 29.06.07.04.

Hearings.

Administrative procedure act, COMAR
 29.06.02.02.

Adoption of regulation, PS §6-206.

Contested cases, COMAR 29.06.02.01.

Fire sprinkler contractor licensing.

Denied, suspended and revoked
 applications and licenses, COMAR
 29.06.05.06.

Meetings, PS §6-204.

Members, PS §6-202.

Compensation and reimbursement for
 expenses, PS §6-204.

Officers, PS §6-203.

Powers, PS §6-205.

Secretary, PS §6-207.

Quorum, PS §6-204.

Reports.

Annual report, PS §6-205.

Baltimore City fire department, PS §6-403.

Rules and regulations, PS §6-206.

Fireworks, PS §10-109.

Violations, PS §§6-601, 6-602.

Secretary.

Authority generally, PS §6-207.

Rules and regulations, PS §6-206.

Sprinkler systems.

Fire sprinkler contractor licensing.

Duties, PS §9-902.

State fire marshal, PS §§6-301 to 6-322.

See FIRE MARSHAL.

State fire prevention code.

Copies, PS §6-206.

State police department, unit of, PS
 §2-207.

Vice chairman, PS §6-203.

Violations, PS §§6-601, 6-602.

**FIRE-RESCUE EDUCATION AND
 TRAINING COMMISSION.**

Licensing and certification.

Standards and procedures for instructors,
 COMAR 13B.03.01.

**FIRE RESISTANT INSULATING
 MATERIAL.**

Fire retardancy standards, CL §13-313.

FIRE SAFETY PERFORMANCE

STANDARD FOR CIGARETTES, BR §§16-601 to 16-610.

Alternate test and performance methods, BR §16-602.

Attorney general.

Enforcement powers, BR §16-609.

Certification.

Consumer testing, cigarettes sold for, BR §16-602.1.

Generally, BR §16-603.

Manufacturer to provide to distributors, BR §16-605.

Marking of certified cigarettes, BR §16-604.

Marking of paper for certified cigarettes, BR §16-602.

Required, BR §16-602.

Civil penalties for violations, BR §16-608.

Distribution, BR §16-609.

Consumer testing, cigarettes sold for, BR §16-602.1.

Contraband.

Noncomplying cigarettes, BR §16-606.

Definitions, BR §16-601.

Laboratories.

Requirements for testing laboratories, BR §16-602.

Marking of certified cigarettes, BR §16-604.

Marking of paper for certified cigarettes, BR §16-602.

Noncomplying cigarettes.

Contraband, BR §16-606.

Seizure, destruction and inspection, BR §16-610.

Penalties for violations, BR §16-608.

Distribution of civil penalties, BR §16-609.

Recertification, BR §16-603.

Regulations, BR §16-607.

Testing, BR §16-602.

FIREWORKS, PS §§10-101 to 10-210.

Advertising.

Display or discharge of fireworks, PS §10-108.

Applicability.

Scope of title, PS §10-102.

Bonds, surety.

Permits, PS §10-105.

Citation for discharging without permit.

Fire marshal authorized to charge by, CP §4-101.

Defined terms, PS §10-101.

Explosives generally, PS §§11-101 to 11-118.

See EXPLOSIONS AND EXPLOSIVES.

Fees.

Permits, PS §10-104.

Sparklers.

Registration of distributors and wholesalers, PS §10-113.

Fines.

Possession, sale or permit violations, PS §10-111.

FIREWORKS —Cont'd

Fire prevention code, COMAR 29.06.01.09.

Ground-based sparkling devices, COMAR 29.06.07.

Health insurance.

Permits.

Accident insurance, PS §10-106.

Inspections.

Permits, PS §10-107.

Insurance.

Permits.

Accident insurance, PS §10-106.

Liability insurance, PS §10-105.

Workers' compensation, PS §10-106.

Investigations.

Permits, PS §10-107.

Permits.

Accident insurance, PS §10-106.

Application process, PS §10-104.

Authority to grant, PS §10-103.

Bonds, surety, PS §10-105.

Fees, PS §10-104.

Findings required, PS §10-103.

Inspections, PS §10-107.

Investigations, PS §10-107.

Liability insurance, PS §10-105.

Prohibited acts, PS §10-110.

Penalties, PS §10-111.

Required, PS §10-104.

Sparklers.

Registration of distributors and wholesalers, PS §10-113.

Workers' compensation, PS §10-106.

Plants, PS §§10-201 to 10-210.

Prohibited acts, PS §10-110.

Penalties, PS §10-111.

Sparklers, PS §10-112.

Rules and regulations, PS §10-109.

Sales.

Sparklers, PS §10-112.

Registration of distributors and wholesalers, PS §10-113.

Unlawful sale, PS §10-110.

Penalties, PS §10-111.

Sparklers, PS §10-112.

Scope of title, PS §10-102.

Sparklers, PS §10-112.

Registration of distributors and wholesalers, PS §10-113.

Workers' compensation.

Permit requirements, PS §10-106.

FIREWORKS PLANTS, PS §§10-201 to 10-210.

Building construction, PS §10-205.

Location, PS §10-204.

Safety standards, PS §10-207.

Drug or alcohol abuse.

Personnel safety standards, PS §10-209.

Equipment, PS §10-206.

Personnel safety standards, PS §10-209.

Experimental testing, PS §10-208.

Fencing, PS §10-204.

FIREWORKS PLANTS —Cont'd

Fines, PS §10-210.

Fire extinguishers, PS §10-207.

Garbage and refuse.

Safety standards, PS §10-207.

Heating equipment, PS §10-206.

Inspections, PS §10-203.

License to operate, PS §10-201.

License to operate, PS §10-201.

Unlicensed operation, PS §10-210.

Manufacture.

Unauthorized manufacture, PS §10-210.

Maximum number of employees, PS §10-209.

Personnel.

Safety standards, PS §10-209.

Plant safety officer, PS §10-209.

Prohibited acts, PS §10-210.

Rules and regulations, PS §10-202.

Safety standards, PS §10-207.

Personnel, PS §10-209.

Sanitation.

Safety standards, PS §10-207.

Security guards.

Safety standards, PS §10-207.

Storage.

Unauthorized storage, PS §10-210.

Testing fireworks, PS §10-208.

Tobacco use.

Personnel safety standards, PS §10-209.

Unlicensed operation, PS §10-210.

Zoning.

Building location, PS §10-204.

FIRST AMENDMENT.

State police, department of.

Investigations involving the exercise of First Amendment activities.

Covert investigations and criminal intelligence, COMAR 29.08.01.

Definitions, COMAR 29.08.01.01.

Policy, COMAR 29.08.01.03.

Procedures for conducting, COMAR 29.08.01.04.

Purposes, COMAR 29.08.01.02.

FIRST RESPONDERS.

Fire, rescue and emergency services workers day.

Annual proclamation by governor, GP §7-410.

Income tax.

Retirement income.

Subtractions from federal adjusted gross income, TG §10-209.

FLAGS.

Death in the line of duty.

Flag benefits, PS §1-202.

Firefighter, police officer or member of state fire marshal's office.

Death in performance of duty.

State flag issued to family, PS §1-202.

Public safety.

Death in the line of duty.

Flag benefits, PS §1-202.

FLAME RETARDANTS.

Octabde and pentabde.

Manufacturing, processing, selling or distributing product containing.

Prohibition, EN §§6-1201 to 6-1205.

Sale or use, COMAR 29.06.01.15.

FLAMETHROWER.

Possession of destructive device, CR §§4-501 to 4-503.

FLAMMABLE SUBSTANCES.

Carcinogenic fire retardants, HG §22-404.

Definitions.

Flammable products act, HG §22-401.

Injunctions.

Flammable products act, HG §22-405.

Maryland flammable products act.

Carcinogenic chemicals.

Determination of department, HG §22-404.

Definitions, HG §22-401.

Fire retardants.

Carcinogenic chemicals, HG §22-404.

Guaranty.

Defined, HG §22-401.

False guaranty, HG §22-406.

Scope of guaranty, HG §22-406.

Injunctions.

Products sold in violation of subtitle, HG §22-405.

Inspections.

Right of entry, HG §22-403.

Samples, HG §22-403.

Nonconforming products.

Manufacture or sale, HG §22-406.

Penalties.

Violations, HG §22-407.

Products.

Defined, HG §22-401.

Prohibited acts.

Scope of guaranty, HG §22-406.

Right of entry, HG §22-403.

Rules and regulations.

Adoption, HG §22-402.

Samples.

Right of entry to take sample, HG §22-403.

Violations.

Penalties, HG §22-407.

Misdemeanors.

Violations of provisions, HG §22-407.

Penalties.

Flammable products act.

Violations of subtitle, HG §22-407.

Repair or demolition of fire hazards.

See FIRE MARSHAL.

Right of entry.

Flammable products act.

Inspections, HG §22-403.

Rules and regulations.

Flammable products act, HG §22-402.

FLOOD CONTROL.

Emergency management.

See EMERGENCY MANAGEMENT.

FLU VACCINATIONS.

Emergency medical technicians administering, ED §13-516.

FOT LAMPS.

Motor vehicle equipment, TR §22-217.

FORESTS AND PARKS.

Crimes and offenses.

Fires.

Maliciously setting fires, NR §5-704.

Railroads.

Engines to be provided with appliances to prevent fires, NR §5-711.

Definitions.

Forest fire prevention, NR §5-720.

Fines.

Fires.

Failure to render aid when summoned, NR §5-701.

Maliciously setting fires, NR §5-704.

Railroads.

Failure to maintain safety strips, NR §5-714.

Fire hazards.

Generally, NR §§5-701 to 5-706.

Railroads, NR §§5-707 to 5-714.

Fires.

Extinguishing.

Defined.

Failure to render help, NR §5-701.

Duty to extinguish, NR §5-704.

Expenses.

Accounts of warden, NR §5-701.

Distribution, NR §5-702.

Incurred in fighting or extinguishing, NR §5-702.

Summoning relief.

Penalty for failure to respond, NR §5-701.

Wardens.

Accounting for expenses, NR §5-701.

Powers, NR §5-701.

Junior forest fire fighters.

Warden may summon, NR §5-701.

Liability for causing, NR §5-705.

Maliciously setting fires, NR §5-704.

Civil liability, NR §5-705.

Penalties, NR §5-704.

Negligently setting fires, NR §5-704.

Civil liability, NR §5-705.

Notices as to forest fire laws.

Posting, NR §5-703.

Open air burning, NR §5-720.

Penalties.

Extinguishing.

Failure to respond, NR §5-701.

Maliciously setting fires, NR §5-704.

Railroads.

Abatement of hazards, NR §5-707.

Report.

Duty to report fire, NR §5-704.

State's attorney.

Enforcement of subtitle, NR §5-706.

FORESTS AND PARKS —Cont'd

Liability.

Fires.

Civil liability for causing fires, NR §5-705.

Misdemeanors.

Fires.

Maliciously setting fires, NR §5-704.

Railroads.

Engines to be provided with appliances to prevent fire, NR §5-711.

Notices.

Forest fire and trespass law, NR §5-703.

Railroads.

Maintenance of safety strip.

Notice to property owner, NR §5-707.

Open air burning, NR §5-720.

Penalties.

Fires.

Failure to render aid when summoned, NR §5-701.

Railroads.

Boilers.

Appliances to prevent fire, NR §5-711.

Engines to be provided with appliances to prevent fire, NR §5-711.

Fire hazards.

Abatement of hazards, NR §5-707.

Maintenance of safety strips.

Abutting owners.

Duties of persons owning property abutting tracks, NR §5-710.

Clearing parts of right of way, NR §5-707.

Compliance not bar to recovery for damages, NR §5-712.

Damage to property owner.

Prohibited, NR §5-707.

Duty to maintain, NR §5-709.

Failure to maintain safety strips.

Penalty, NR §5-714.

Inconsistent laws repealed, NR §5-713.

Owners of property, NR §5-707.

Right of entry, NR §5-708.

Reforestation.

Income tax, subtractions from federal adjusted gross income.

Reforestation or timber stand expenses, TG §10-208.

Reports.

Forest fires, NR §5-704.

Right of entry.

Railroads.

Maintenance of safety strips.

Department to have right of entry, NR §5-708.

State's attorneys.

Fires.

Enforcement of subtitle, NR §5-706.

Timber stand improvements.

Income tax, subtractions from federal adjusted gross income.

Reforestation or timber stand expenses, TG §10-208.

FORESTS AND PARKS —Cont'd

Trespass.

Notice as to trespass law, NR §5-703.

FORFEITURES.

Explosions and explosives.

Forfeiture of vehicle for violations, CP §13-301.

Fireworks.

Possession, sale or permit violations, PS §10-111.

FORMS.

Arrest.

Design by district court judges, CJ §1-605.

Fire insurance antiarson applications, IN

§19-305.

Health care decisions.

Instructions on current life-sustaining treatment options, HG §5-608.1.

Insurance.

Fire insurance antiarson applications, IN §19-305.

FRANCHISES.

Local governments.

Cable television systems, LG §1-708.

Municipal corporations.

Ordinances.

Legislative authority, general powers of municipality, LG §5-204.

FRATERNITIES.

Sprinkler systems, PS §§9-201 to 9-206.

FRAUD.

Burning with intent to defraud, CR

§6-106.

Fundraising for police, fire departments

or public safety officers, CR §8-520.

FREDERICK COUNTY.

Alarm systems, LG §12-806.

Authority to adopt fire prevention codes,

PS §9-701.

Building code.

Agricultural buildings.

Exemption for buildings used for agritourism, PS §12-508.

Environmental noise control and sound level limits rules or regulations.

No power in department to adopt in county, EN §3-401.

Fires and fire protection.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Sheriff.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Trapshooting or other target shooting on property approved by department of planning and zoning.

Environmental sound level limits and noise control rules and regulations, restrictions on adopting, EN §3-401.

FREEDOM OF ASSOCIATION.

State police, department of.

Investigations involving the exercise of First Amendment activities.

Covert investigations and criminal intelligence, COMAR 29.08.01.

FREEDOM OF SPEECH.

State police, department of.

Investigations involving the exercise of First Amendment activities.

Covert investigations and criminal intelligence, COMAR 29.08.01.

FREE EXERCISE OF RELIGIOUS BELIEFS.

Hate crime.

Obstructing, CR §10-303.

FREESTANDING AMBULATORY CARE FACILITIES.

Kidney dialysis centers.

Emergency plans, PS §14-110.3.

FUEL OIL.

Possession of destructive device, CR

§§4-501 to 4-503.

FUNDRAISING.

Charitable corporations.

Property holding, CA §§5-701, 5-702.

Fraud.

Campaigns to benefit police, fire departments or public safety officers, CR §8-520.

FUNDS.

Ambulances.

Senator William H. Amoss fire, rescue and ambulance fund, PS §§8-101 to 8-106.

Volunteer company assistance fund, PS §§8-201 to 8-206.

Commercial ambulance service fund, ED

§13-515.

Elevator safety review board fund, PS

§12-824.1.

EMS board provider fund, ED §13-516.

Fire department.

Senator William H. Amoss fire, rescue and ambulance fund, PS §§8-101 to 8-106.

Volunteer company assistance fund, PS §§8-201 to 8-206.

Maryland trauma physician services fund, HG §19-130.

Motor vehicles.

Emergency medical system operations fund, TR §§13-954, 13-955.

Physicians.

Maryland trauma physician services fund, HG §19-130.

Rescue squads.

Senator William H. Amoss fire, rescue and ambulance fund, PS §§8-101 to 8-106.

Volunteer company assistance fund, PS §§8-201 to 8-206.

INDEX

FUNDS —Cont'd

Senator William H. Amoss fire, rescue and ambulance fund, PS §§8-101 to 8-106.

Trauma physician services fund, HG §19-130.

Volunteer company assistance fund, PS §§8-201 to 8-206.

FUNERAL BENEFIT.

Killed or dies in performance of duties.
Public safety officers and employees, PS §1-202.

FUNERALS.

Public safety officers and employees.
Killed or dies in performance of duties.
Funeral benefit, PS §1-202.

G

GAMING.

Charitable organization.

Raffles, CR §12-106.

Definitions, CR §12-101.

Gaming device.

Defined, CR §12-101.

Gaming events.

Accepting credit to allow person to play, CR §12-108.

Defined, CR §12-101.

Tokens, use allowed, CR §12-108.

Raffles, CR §12-106.

GARBAGE AND REFUSE.

Dumping site surveillance systems.

Citations, procedure, CJ §7-302.

Fireworks plants.

Safety standards, PS §10-207.

Litter control law.

Dumping site surveillance systems.

Citations, procedure, CJ §7-302.

GARRETT COUNTY.

Noise control.

Trapshooting, skeet shooting, etc.

Limitations on authority, EN §3-401.

GASOLINE.

Possession of destructive device, CR

§§4-501 to 4-503.

GENERAL ASSEMBLY.

Committees.

Disrupting or interfering with committees,
SG §2-1702.

Joint cybersecurity, information technology
and biotechnology committee, SG
§2-10A-13.

Disruption of legislative process, SG
§2-1702.

Documents.

Destroying, defacing or altering official
documents, SG §2-1702.

Employees.

Interference with members and staff
prohibited, SG §2-1702.

GENERAL ASSEMBLY —Cont'd

Explosions and explosives.

Bringing explosives or incendiary devices
into senate or house chambers, SG
§2-1702.

Firearms.

Bringing firearms into chambers, SG
§2-1702.

House of delegates.

Disruption or interference prohibited, SG
§2-1702.

Picketing restricted, SG §2-1702.

Information systems.

Joint cybersecurity, information technology
and biotechnology committee, SG
§2-10A-13.

Interference with legislative process, SG
§2-1702.

Interference with members and staff, SG
§2-1702.

**Joint cybersecurity, information
technology and biotechnology
committee**, SG §2-10A-13.

Misdemeanors.

Interfering with or disrupting activities of
general assembly, SG §2-1702.

Penalties.

Firearms.

Bringing firearms into chambers, SG
§2-1702.

Interfering with or disrupting activities of
general assembly, SG §2-1702.

Picketing.

Restriction on picketing, SG §2-1702.

Senate.

Disruption or interference prohibited, SG
§2-1702.

Picketing restricted, SG §2-1702.

Weapons.

Use of firearms and other devices, SG
§2-1702.

GENERAL SERVICES DEPARTMENT.

Auctions.

Excess and surplus property.

Disposal of property, SF §4-504.

Excess and surplus property.

Auction or sale, SF §4-504.

Disposal of property, SF §4-504.

Trade-in, SF §4-504.

Procurement.

Cooperative purchasing, SF §4-316.

Security force.

Authority granted police officers generally,
CP §2-102.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP
§2-102.

GENERATORS.

Building codes.

Emergency power and lighting systems, PS
§12-702.

INDEX

GENERATORS —Cont'd

Ground-based sparkling devices, COMAR
29.06.07.13.

GIFTS.

Fraudulent fundraising.

Campaigns to benefit police, fire departments or public safety officers, CR §8-520.

GOOD SAMARITAN PROVISIONS.

Fire department.

Immunity from civil liability, CJ §5-604.

Immunity for special personnel, CJ

§§5-603, 5-604.

Rescue squads.

Immunity for rescue squad personnel, CJ §5-604.

Support for emergency medical system,

CJ §5-608.

GOVERNOR.

Appointments by.

Maryland emergency management agency (MEMA) director, PS §14-104.

Emergency management, powers, PS

§§14-3A-01 to 14-3A-08.

Health emergency powers, PS §§14-3A-01 to 14-3A-08.

See HEALTH EMERGENCIES.

Maryland emergency management agency (MEMA), PS §14-106.

State of emergency, authority to declare, PS §14-107.

State of emergency.

Authority to declare, PS §14-107.

Fire, rescue and emergency services workers day.

Annual proclamation by governor, GP §7-410.

Health.

Emergency powers, PS §§14-3A-01 to 14-3A-08.

See HEALTH EMERGENCIES.

GRENADES.

Possession of destructive device, CR

§§4-501 to 4-503.

GROUP HOMES.

Emergency management plan, PS

§14-110.1.

GUNPOWDER.

Explosives generally, PS §§11-101 to

11-118.

See EXPLOSIONS AND EXPLOSIVES.

H

HAGERSTOWN.

Fire and explosive investigator.

Authority, CP §2-208.5.

Defined, CP §2-208.5.

HAGERSTOWN —Cont'd

Fire and explosive investigator —Cont'd

Qualifications, CP §2-208.5.

HALFWAY HOUSES.

Automatic fire extinguishing systems.

Specified buildings, PS §9-503.

HAND-FIRED HEATING STOVES.

Kerosene heaters.

Venting, CL §14-1310.

Sale, distribution or installation, CL

§14-1309.

HARASSMENT.

Hate crime, CR §10-304.

HARFORD COUNTY.

Building code.

Agricultural buildings.

Exemption for buildings used for agritourism, PS §12-508.

Fire department.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Property tax.

Credit for spouse of disabled or deceased law enforcement officer or rescue worker, TP §9-210.

Sheriff.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

HATE CRIMES, CR §§10-301 to 10-308.

Damage to property because of race, gender, color, religious beliefs, national origin, sexual orientation, or because person is homeless, CR
§10-304.

Associated building, damaging, CR §10-305.

Religious entity, property of, CR §10-302.

First amendment rights protected, CR
§10-308.

Harassment because of race, color, religious beliefs, national origin, sexual orientation, or because person is homeless, CR
§10-304.

Homeless.

Damage to associated building because of, CR §10-305.

Defined, CR §10-301.

Harassment because of, prohibited, CR §10-304.

Penalty, CR §10-306.

Prosecution for other crimes not precluded, CR §10-307.

Religion.

Harassment, CR §10-304.

Obstructing exercise of religious belief, CR §10-303.

Property damage motivated by religious belief, CR §10-304.

Property damage to property of religious entity, CR §10-302.

HATE CRIMES —Cont'd

Sexual orientation.

Defined, CR §10-301.

HAZARDOUS MATERIALS AND SUBSTANCES.

Controlled hazardous substances.

Controlled hazardous substance facility.
Defined, EN §7-201.

Controlled hazardous substance hauler.
Defined, EN §7-201.

Controlled hazardous substance vehicle drivers.
Defined, EN §7-201.

Controlled hazardous substance vehicles.
Defined, EN §7-201.

Council.
Defined, EN §7-201.

Definitions, EN §7-201.

Discharge.
Defined, EN §7-201.

Driver's certificate.
Defined, EN §7-201.

Facility permits.
Application.
Denial, EN §7-240.
Defined, EN §7-201.
Denial of application.
Grounds, EN §7-240.
Equivalent permit, EN §7-232.
Issuance, EN §7-232.
Low-level nuclear waste facilities.
Defined, EN §7-201.
Required, EN §7-232.
Separate permit for each facility, EN §7-232.

Federal act.
Defined, EN §7-201.

Hauler certificate.
Defined, EN §7-201.

Incineration.
Defined, EN §7-201.

Low-level nuclear waste.
Defined, EN §7-201.

Low-level nuclear waste facility.
Defined, EN §7-201.

Permits.
Defined, EN §7-201.

Penalties.
Civil penalties, EN §7-266.
Punitive damages, EN §7-266.1.

Person.
Defined, EN §7-201.

Release.
Defined, EN §7-201.

Transuranic waste.
Defined, EN §7-201.

Treatment.
Defined, EN §7-201.

Vehicle certificate.
Defined, EN §7-201.

HAZARDOUS MATERIALS AND SUBSTANCES —Cont'd

Death benefits.

Hazardous materials response team employee.
Killed or dies in performance of duties,
PS §1-202.

Definitions.

Controlled hazardous substance facility, EN §7-201.

Controlled hazardous substance hauler, EN §7-201.

Controlled hazardous substances, EN §7-201.

Controlled hazardous substance vehicle, EN §7-201.

Controlled hazardous substance vehicle driver, EN §7-201.

Council, EN §7-201.

Driver certificate, EN §7-201.

Emergency response, containment, clean-up and abatement.

Paid fire companies and rescue squads.

Reimbursement for cost, CJ §3-1201.

Volunteer fire companies, rescue squads or ambulance companies, CJ §3-1101.

Facility permits, EN §7-201.

Federal act, EN §7-201.

Hauler certificate, EN §7-201.

Hazardous substance, EN §7-201.

Incineration, EN §7-201.

Low-level nuclear waste, EN §7-201.

Low-level nuclear waste facility, EN §7-201.

Low-level nuclear waste facility permit, EN §7-201.

Person, EN §7-201.

Release, EN §7-201.

Responsible person, EN §7-201.

Solid waste, EN §7-201.

Transuranic waste, EN §7-201.

Treatment, EN §7-201.

Vehicle certificate, EN §7-201.

Discharge.

Defined, EN §7-229.

Immunity of persons providing assistance in connection with, CJ §5-617, EN §7-229.

Emergency management.

Local emergency plans, PS §14-110.

Emergency response, containment, cleanup and abatement.

Cost responsibility for those at fault, CJ §§3-1102.1, 3-1202.1.

Paid fire companies and rescue squads.

Assistance to paid fire company, CJ §3-1207.

Reimbursement for cost.

Assistance to paid fire company, CJ §3-1207.

Definitions, CJ §3-1201.

Farm vehicles.

Exemptions, CJ §3-1205.

HAZARDOUS MATERIALS AND SUBSTANCES —Cont'd

Emergency response, containment, cleanup and abatement —Cont'd

Paid fire companies and rescue squads —Cont'd

Reimbursement for cost —Cont'd

Liability or immunity of paid fire company, rescue squad or personnel, CJ §3-1204.

Negotiations and actions for reimbursement, CJ §3-1203.

Responsibility of motor carrier, CJ §3-1202.

Responsibility of person at fault, CJ §3-1202.1.

Scope of subtitle, CJ §3-1206.

Responsibility of person at fault, CJ §§3-1102.1, 3-1202.1.

Volunteer fire companies, rescue squads or ambulance companies.

Assistance to volunteer fire company, CJ §3-1108.

Reimbursement for cost.

Actions for reimbursement, CJ §3-1103.

Assistance to volunteer fire company, CJ §3-1108.

Definitions, CJ §3-1101.

Farm vehicles.

Exemptions, CJ §3-1106.

Liability or immunity of volunteer fire company or rescue squad or personnel, CJ §3-1105.

Motor carrier's responsibility, CJ §3-1102.

Negotiations, CJ §3-1103.

Purchase of personal protective equipment or chemicals, CJ §3-1104.

Responsibility of motor carrier, CJ §3-1102.

Responsibility of person at fault, CJ §3-1102.1.

Scope of subtitle, CJ §3-1107.

Fire hazards.

Abatement orders, PS §6-318.

Failure to comply with order, PS §6-320.

Service of process, PS §6-319.

Additional remedies, PS §6-321.

Maintenance of fire hazard prohibited, PS §6-317.

Immunity.

Discharge.

Persons providing assistance in connection with, CJ §5-617, EN §7-229.

Liability.

Discharge.

Persons providing assistance in connection with.

Immunity from liability, CJ §5-617, EN §7-229.

HAZARDOUS MATERIALS AND SUBSTANCES —Cont'd

Penalties.

Civil penalties, EN §7-266.

Punitive damages, EN §7-266.1.

Releases.

Immunity of persons providing assistance in connection with, EN §7-229.

Searches and seizures.

Administrative search warrants, EN §7-256.1.

Warrants.

Administrative search warrants, EN §7-256.1.

HEADSETS.

Motor vehicles.

Wearing earphones, headsets, etc., prohibited, TR §21-1120.

HEALTH.

Catastrophic health emergency.

Disease surveillance and response program, HG §§18-901 to 18-908.

See CATASTROPHIC HEALTH EMERGENCY.

Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

See HEALTH EMERGENCIES.

Communicable diseases.

General provisions.

See CONTAGIOUS DISEASES.

Definitions.

Center for the study of the health effects of fire, HG §18-701.

Discharge, EN §7-201.

Discovery.

Center for the study of the health effects of fire.

Information collected not discoverable, HG §18-705.

Evidence.

Center for the study of the health effects of fire.

Information collected inadmissible, HG §18-705.

Flammable products.

Maryland flammable products act, HG §§22-401 to 22-407.

Hazardous materials and substances.

See HAZARDOUS MATERIALS AND SUBSTANCES.

Lead and mercury wheel weights, EN §6-501.

Maryland trauma physician services fund, HG §19-130.

Mercury wheel weights, EN §6-501.

Municipal corporations.

Garbage and refuse.

Trash disposal, legislative authority, LG §5-209.

Occupational diseases.

See WORKERS' COMPENSATION.

HEALTH —Cont'd

Planning and development.

- Maryland trauma physician services fund, HG §19-130.
- Trauma physician services fund, HG §19-130.

Privileged communications.

- Center for the study of the health effects of fire.
- Information collection confidential, HG §18-705.

Trauma physician services fund, HG §19-130.

HEALTH CARE DECISIONS.

Burden of proof, HG §5-609.

Do not resuscitate orders.

- Authorization to follow in outpatient setting, HG §5-608.

Forms.

- Instructions on current life-sustaining treatment options, HG §5-608.1.

Immunity, HG §5-609.

Medical orders for life-sustaining treatment, HG §§5-608, 5-608.1.

Medical treatment without consent, HG §5-607.

Presumptions, HG §5-609.

Transfer of patient.

- Instructions on current life-sustaining treatment options.
- Form, HG §5-608.1.

Treatment without consent, HG §5-607.

HEALTH CARE FACILITIES.

Elevators.

- Handrails.
- Subtractions from federal adjusted gross income, TG §10-208.

HEALTH EMERGENCIES.

Catastrophic health emergency.

- Definitions, PS §14-3A-01.
- Disease surveillance and response program, HG §§18-901 to 18-908.
- See CATASTROPHIC HEALTH EMERGENCY.
- Effect upon other laws, PS §14-3A-07.
- Governor's orders, PS §14-3A-03.
- Governor's proclamation, PS §14-3A-02.
- Health care practitioner.
- Governor's order to participate, PS §14-3A-03.
- Failure to comply, penalty, PS §14-3A-08.
- Health care providers, immunity of, PS §14-3A-06.
- Order, requirement, directive issued.
- Failure to comply, prohibited, penalty, PS §14-3A-08.
- Penalties, PS §14-3A-08.
- Prohibited activities, PS §14-3A-08.
- Quarantine.
- Directive issued by secretary, PS §14-3A-05.

HEALTH EMERGENCIES —Cont'd

Catastrophic health emergency —Cont'd

- Quarantine —Cont'd
- Refusal to be tested or treated, PS §14-3A-04.

Emergency management.

- See EMERGENCY MANAGEMENT.

HEALTH INSURANCE.

Fireworks permits.

- Accident insurance, PS §10-106.

HEARINGS.

Ambulances, ED §13-515.

Building codes.

- Electrical code.
- Disciplinary actions against inspectors, PS §12-613.

Catastrophic health emergency disease surveillance and response program.

- Quarantine.
- Directive issued by secretary, HG §18-906.

Fire prevention commission.

- Administrative procedure act, COMAR 29.06.02.02.
- Contested cases, COMAR 29.06.02.01.
- Fire sprinkler contractor licensing.
- Denied, suspended and revoked applications and licenses, COMAR 29.06.05.06.

Postmortem examiners.

- Autopsies by medical examiners.
- Refusal to correct findings and conclusions, HG §5-310.

Quarantine.

- Catastrophic health emergencies.
- Directive issued by secretary, HG §18-906.
- Hearing to contest isolation or quarantine, PS §14-3A-05.

HEART ATTACK.

Automated external defibrillator program, ED §13-517.

- County boards of education to develop and implement programs, ED §7-425.

Law enforcement officers, correctional officers, firefighters, rescue squad members, members of the state fire marshal's office.

- Death benefits.
- Death as result of personal injury in performance of duties.
- Presumption, PS §1-202.

Workers' compensation.

- Occupational diseases, statutory presumption for first responders, LE §9-503.

HEART MONITOR AND DEFIBRILLATOR.

Automated external defibrillator program, ED §13-517.

- County boards of education to develop and implement programs, ED §7-425.

HEATING AND AIR CONDITIONING.
Environmental sound level limits and noise control rules and regulations for air conditioners, EN §3-401.

Fireworks plants.

Heating equipment, PS §10-206.

Ground-based sparkling devices.

Temporary heating sources, COMAR 29.06.07.12.

Kerosene-fired heaters, CL §14-1310.

HEAT PUMPS.

Environmental sound level limits and noise control rules and regulations, EN §3-401.

HELICOPTERS.

Emergency medical services.

Regulations for transporting patients.
 EMS board to adopt, ED §13-509.

HEMORRHAGIC FEVERS.

Notices.

Medical and law enforcement personnel.
 Notice of exposure, HG §§18-213 to 18-213.2.

HEPATITIS.

Notices.

Firefighters, medical and law enforcement personnel.
 Exposure, HG §§18-213 to 18-213.2.

HEPATITIS B.

Vaccinations.

Emergency medical technicians administering, ED §13-516.

HIGH BLOOD PRESSURE.

Workers' compensation.

Occupational diseases, statutory presumption for first responders, LE §9-503.

HIGH-PERFORMANCE HOMES.

Construction encouraged, PS §12-509.

Defined, PS §12-509.

HIGH-RISE BUILDINGS, PS §§9-401 to 9-405.

Appeals.

Orders of compliance, PS §9-404.

Defined terms, PS §9-401.

Legislative findings, PS §9-402.

Mobility impaired.

Right to request rental unit on first five floors.

Notice by owner, PS §9-405.

Purpose, PS §9-402.

Sprinkler systems.

Required, PS §9-403.

HIGHWAYS.

Watershed implementation plan.

Appropriations, TR §8-613.3.

HOLOCAUST VICTIMS, TAX EXEMPTIONS.

Income tax.

Subtractions from federal adjusted gross income, TG §10-207.

HOMEOWNERS' ASSOCIATIONS.

Agents.

Personal liability, CJ §5-406.

Liability.

Personal liability of agents, CJ §5-406.

HOSPITALS.

Admissions.

Restrictions by secretary, HG §19-328.

Building codes.

Emergency power and lighting systems, PS §12-702.

Emergency management plans, PS §14-110.1.

Evacuation procedures.

Alternative requirements for acute care hospitals, PS §9-505.

Good Samaritan law.

Support for emergency medical system, CJ §5-608.

Licenses.

Admission restrictions by secretary, HG §19-328.

Secretary of health and mental hygiene.

Admission restrictions, HG §19-328.

HOTELS.

Barbeque grills.

Restrictions on use, PS §9-1001.

Building codes.

Emergency power and lighting systems, PS §12-702.

Master control device to control heating, ventilation and air conditioning settings, PS §12-510.

Carbon monoxide alarms.

Installation in dwellings, PS §§12-1101 to 12-1106.

Evacuation procedures, PS §§9-501 to 9-506.

Smoke detectors.

Deaf and hard of hearing, notification appliance for, PS §9-105.

Sprinkler systems, PS §§9-201 to 9-206.

HOUSEHOLD APPLIANCES.

Unfair or deceptive trade practices.

Electrical consumer products.

Symbol of testing laboratory, CL §13-308.

HOUSING.

Affordable housing.

Local governments, support, fostering or promotion, LG §1-1308.

Automatic fire extinguishing systems.

Specified buildings, PS §9-503.

Building codes generally.

See BUILDING CODES.

HOUSING —Cont'd

Carbon monoxide alarms.

Installation in dwellings, PS §§12-1101 to 12-1106.

High-performance homes.

Construction encouraged, PS §12-509.
Defined, PS §12-509.

HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

Building codes generally.

See BUILDING CODES.

Elderly rental housing program.

Fires and fire protection.
Automatic fire extinguishing systems.
Specified buildings, PS §9-503.

HOWARD COUNTY.

Building code.

Agricultural buildings.
Exemption for buildings used for agritourism, PS §12-508.

Fire and explosive investigator.

Authority of, CP §2-208.6.

Noise control.

Trapshooting, skeet shooting, etc.
Limitations on authority, EN §3-401.

HUMAN IMMUNODEFICIENCY VIRUS.

Blood tests.

Confidentiality of results, HG §18-338.1.
Consent.
Form for consent document, HG §18-336.
Informed consent, HG §18-338.1.
Costs, HG §18-338.1.
Counseling.
Required, HG §18-336.
Definitions, HG §18-336.
First responders, HG §18-338.3.
Generally, HG §18-336.
Health care workers, HG §18-338.3.
Identifying numbers, patients, HG §18-336.
Notice.
Positive test results.
Notice to individual from whom blood sample obtained, HG §18-336.
Results, HG §18-338.1.
Patient identifying numbers, HG §18-336.
Positive test results.
Notice.
Individuals from whom blood samples obtained, HG §18-336.
Physicians' duties, HG §18-336.
Results.
Positive test results.
Physicians' duties, HG §18-336.

Consent.

Blood tests.
Form for consent document, HG §18-336.
Informed consent, HG §18-338.1.
Refusal, HG §18-336.
Substitute consent, HG §18-336.
Written informed consent.
Required, HG §18-336.

HUMAN IMMUNODEFICIENCY VIRUS

—Cont'd

Correctional officers.

Notification of exposure to virus, HG §18-213.

Definitions.

Blood tests, HG §18-336.

Emergency medical care and services.

Notification of emergency medical technicians of exposure to virus, HG §18-213.

Fire department.

Notification of fire fighters of exposure to virus, HG §18-213.

First responders.

Testing, HG §18-338.3.

Health care workers.

Testing, HG §18-338.3.

Identification.

Blood tests.
Patient identifying numbers, HG §18-336.

Law enforcement personnel.

Notification of exposure to virus, HG §18-213.

Notices.

Blood tests.
Notification of results, HG §18-338.1.
Positive test results.
Notification to individual from whom blood sample obtained, HG §18-336.
Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.
Exposure to virus, HG §18-213.

Physicians.

Blood tests.
Positive test results.
Notification to individual from whom blood sample obtained, HG §18-336.

Privileged communications.

Blood tests.
Confidentiality of records, HG §18-338.1.
Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.
Notification of exposure to virus.
Breach of patient confidentiality, HG §18-213.

Rescue squads.

Notification of rescue squadmen of exposure to virus, HG §18-213.

HUMAN SERVICES.

Municipal corporations.

Establishment, legislative authority, LG §5-210.

HURRICANES.

Emergency management.

See EMERGENCY MANAGEMENT.

HYPERTENSION.

Workers' compensation.

Occupational diseases, statutory presumption for first responders, LE §9-503.

I

IDENTIFICATION.

Acquired immune deficiency syndrome (AIDS).

Human immunodeficiency virus testing.
Patient identification numbers, HG §18-336.

Human immunodeficiency virus.

Blood tests.
Patient identifying numbers, HG §18-336.

IMMUNITY.

Acquired immune deficiency syndrome (AIDS).

Human immunodeficiency virus testing.
Health care workers and first responders, HG §18-338.3.

Automated external defibrillator.

Facility providing, sponsoring physicians and operators, ED §13-517.

Catastrophic health emergencies.

Health care providers, PS §14-3A-06.
Providers acting in good faith in accordance with program, HG §18-907.

Charitable organizations.

Agents.
Personal liability of agents, CJ §5-406.
Health care services.
Physicians and volunteers not liable, CJ §5-606.

Disclosure of information concerning fire loss investigation, CJ §5-409.

Do not resuscitate orders.

Emergency medical services providers following orders, HG §5-608.

Federal law enforcement officers.

Acting under authority granted, CJ §5-611, CP §2-104.

Fire marshal.

Warrantless arrest power, acting under, CP §2-208.

Hazardous materials and substances.

Discharge.
Immunity of persons providing assistance in connection with, CJ §5-617, EN §7-229.

Health care decisions, HG §5-609.

Human immunodeficiency virus (HIV).

Health care workers and first responders, HG §18-338.3.

Law enforcement officers and personnel.

Federal law enforcement officers.
Assisting police officers, CJ §5-611.
Exercising powers granted, CJ §5-611.

Motor vehicles.

Operating vehicle not covered by required security, CJ §5-524, TR §17-107.

IMMUNITY —Cont'd

Newborns.

Leaving newborn with a responsible adult, CJ §5-641.

911 emergency telephone system.

911 service carriers, PS §1-303.
Prepaid wireless E911 fee.
Sellers and providers, immunity from liability for transmission failures, PS §1-313.
Transmission failures, PS §1-315.

Physicians.

Charitable organizations.
Immunity from civil liability, CJ §5-606.

Police.

Acting under authority granted, CP §2-102.
Federal law enforcement officers.
Acting under authority granted, CP §2-104.
United States.
Federal law enforcement officers.
Assisting police officers.
Immunity from liability, CJ §5-611.

Sovereign immunity.

Motor vehicles.
Registration.
Operating vehicle not covered by required security, TR §17-107.

Special personnel, CJ §§5-603, 5-604.

INCENDIARY MATERIAL.

Destructive devices, CR §§4-501 to 4-503.

INCOME TAX.

ABLE accounts.

Adjusted gross income of individuals.
Subtraction from federal adjusted gross income, TG §10-207.
State adjustments, TG §10-208.

Adjusted gross income.

Federal adjusted gross income.
ABLE accounts.
Subtraction from federal adjusted gross income, TG §10-207.
State adjustments, TG §10-208.

Adoption expenses, TG §10-208.

Artistic work.

Adjusted gross income of individuals.
Subtraction from federal adjusted gross income, TG §10-207.

Blindness-related expenses, TG §10-208.

Conservation tillage.

Deduction of planters and drills, TG §10-208.

Corporations.

Imposition of tax on, TG §10-102.
Maryland modified income.
Generally, TG §10-304.
S corporations.
Exemption, TG §10-104.

Development credit corporation.

Exemption from tax, TG §10-104.

Exemptions, TG §§10-102, 10-104.

Special exempt entities, TG §10-104.

INDEX

INCOME TAX —Cont'd

First responders.

Retirement income.

Subtractions from federal adjusted gross income, TG §10-209.

Health care facilities.

Elevators, installation of handrails.

Subtractions from federal adjusted gross income, TG §10-208.

Holocaust victims.

Subtractions from federal adjusted gross income, TG §10-207.

Honorable Louis L. Goldstein volunteer police, fire, rescue and emergency medical services personnel subtraction modification program,

TG §10-213.

Imposition of tax, TG §10-102.

Insurance.

Exemption, TG §10-104.

Investment conduit.

Exemptions, TG §10-104.

Law enforcement officers and personnel.

Subtraction from federal adjusted gross income.

Income earned by law enforcement officers in political subdivisions with high crime rates, TG §10-207.

Military services.

Adjusted gross income of individuals.

Subtraction from federal adjusted gross income, TG §10-207.

Organ donations.

Subtractions from federal adjusted gross income, TG §10-208.

Partnerships.

Exemptions, TG §10-104.

Pensions.

Pickup contributions of retirement or pension system members.

Additions and subtractions to federal adjusted gross income, TG §10-207.

Real property.

Perpetual conservation easements, income from sale.

Subtraction from federal adjusted gross income, TG §10-207.

Returns.

Inspection.

Public inspection of tax returns, TG §10-818.

Public inspection of tax returns, TG §10-818.

Student loan debt.

Adjusted gross income of individuals.

Subtraction from federal adjusted gross income, TG §10-207.

Teachers.

Unreimbursed expenses paid or incurred for purchase of classroom supplies.

Subtractions from federal adjusted gross income, TG §10-208.

INCOME TAX —Cont'd

Universities and colleges.

College investment plan.

Subtractions from federal adjusted gross income, TG §10-207.

INCORPORATION BY REFERENCE.

Fire code, national fire protection association 1 uniform, COMAR 29.06.01.08.

Fire prevention code, COMAR 29.06.01.06.

National fire protection association 101 life safety code, COMAR 29.06.01.07.

Fire prevention commission.

Fees for fire prevention services, COMAR 29.06.04.02.

INDECENT EXPOSURE.

Warrantless arrest, CP §2-203.

INDICTMENTS AND INFORMATIONS.

Arson or burning, CR §6-111.

Bill of particulars.

Arson or burning.

General form of charging document used, CR §6-111.

INDUSTRIALIZED BUILDINGS.

Building codes.

Industrialized buildings and manufactured homes.

See BUILDING CODES.

INFANTS.

Leaving newborn with responsible adult.

Immunity from liability, CJ §5-641.

INFLUENZA.

Vaccinations.

Emergency medical technicians administering, ED §13-516.

INFORMATION TECHNOLOGY DEPARTMENT.

Building codes.

Central automated database, PS §12-506.

INJUNCTIONS.

Charities.

Registration.

Soliciting after registration, BR §6-406.

Fire marshal.

Abatement orders, PS §6-318.

Failure to comply with order, PS §6-320.

Service of process, PS §6-319.

Flammable substances.

Flammable products act, HG §22-405.

INNS.

Barbeque grills.

Restrictions on use, PS §9-1001.

Evacuation procedures, PS §§9-501 to 9-506.

Sprinkler systems, PS §§9-201 to 9-206.

INSIGNIA AND EMBLEMS.

Motor vehicles.

Display.

Regulated, TR §22-404.1.

INSPECTIONS.

Ambulances, ED §13-515.

Building codes.

Electrical code inspectors.

See BUILDING CODES.

Counties.

Inspections by fire marshal, PS §9-702.

Electrical inspectors.

Fire prevention code.

Nongovernmental electrical inspectors, certification, COMAR 29.07.01.

Elevators, PS §§12-804 to 12-816.

See ELEVATORS.

Fire marshal.

Administrative search warrants, PS §6-316.

Fees, PS §6-308.

Public buildings, PS §6-307.

Fire prevention code.

Nongovernmental electrical inspectors, certification, COMAR 29.07.01.

Fireworks.

Permits, PS §10-107.

Fireworks plants, PS §10-203.

License to operate, PS §10-201.

Hindering, obstructing or refusing to allow inspection.

Local fire departments, PS §9-805.

Local fire departments, PS §§9-801 to 9-805.

Municipal corporations.

Inspections by fire marshal, PS §9-702.

Sanitary commissions.

Right of entry.

Authority of commission, EN §9-663.

INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS.

See EMERGENCY MEDICAL CARE AND SERVICES.

INSULATION.

Consumer protection.

Fire resistant insulating material, CL §13-313.

INSURANCE.

Casualty insurance.

Generally.

See PROPERTY AND CASUALTY INSURANCE.

Elevators.

Licenses.

Insurance requirements, PS §12-836.

Fire insurance.

See FIRE INSURANCE.

Fireworks permits.

Accident insurance, PS §10-106.

Liability insurance, PS §10-105.

Workers' compensation, PS §10-106.

Income tax.

Exemption, TG §10-104.

Liability insurance for individuals assisting department, IN §19-105.

INSURANCE —Cont'd

Malpractice insurance.

Health care malpractice insurance.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

Medical malpractice insurance.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

Physicians and surgeons.

Malpractice claims or actions.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

Property and casualty insurance.

See PROPERTY AND CASUALTY INSURANCE.

Rescue squads.

Liability insurance of individuals assisting squads, IN §19-105.

Smoke detectors.

Failure to comply as defense in property insurance claim, PS §9-107.

Taxation of insurers, etc..

Income tax exemptions, TG §10-104.

Workers' compensation.

General provisions.

See WORKERS' COMPENSATION.

INSURANCE COMPANIES.

Income tax exemption, TG §10-104.

Taxation.

Income tax exemption, TG §10-104.

INTERCEPTION OF WIRE, ORAL OR ELECTRONIC COMMUNICATIONS.

State personnel monitoring or recording telephone conversation, CR §9-602.

INTERFERENCE WITH OR OBSTRUCTION OF EMERGENCY ASSISTANCE, PS §6-602.

INTERSTATE COMMERCE.

Sales and use tax.

Exemptions.

Food, TG §11-206.

INTERSTATE COMPACTS.

Emergency management.

Maryland emergency management assistance compact, PS §§14-801 to 14-803.

INVESTIGATIONS.

Disclosure of fire loss investigation reports, PS §§9-601 to 9-606.

Explosions.

Fire marshal, PS §6-309.

Explosives.

Fire marshal's powers, PS §11-104.

Fire insurance.

Cooperation with fire investigator, PS §9-602.

Loss caused by incendiary means, PS §9-603.

INDEX

INVESTIGATIONS —Cont'd

Fire insurance —Cont'd

Disclosure of fire loss investigation reports,
PS §§9-601 to 9-606.

Fire marshal.

Administrative search warrants, PS §6-315.
Arrest authority, PS §6-311.
Interference with or obstruction, PS §6-602.
Reports, PS §6-312.

Fireworks.

Permits, PS §10-107.

First Amendment, investigations involving the exercise of First Amendment activities.

State police, department of.
Covert investigations and criminal intelligence, COMAR 29.08.01.

Law enforcement officers and personnel.

United States park police officers.
Authority to enforce state laws within park, CP §2-104.1.

Loss investigations.

Disclosure of information concerning fire loss investigation.
Immunity, CJ §5-409.

Search warrants.

See FIRE MARSHAL.

State police, department of.

First Amendment, investigations involving the exercise of First Amendment activities.
Covert investigations and criminal intelligence, COMAR 29.08.01.

United States park police officers.

Authority to enforce state laws within park, CP §2-104.1.

INVESTMENTS.

Income tax.

Adjusted gross income.
Subtractions for contributions to investment accounts, TG §10-208.

IRON.

Building codes.

Structural iron or steel.
Beams or girders with studs or reinforcing shear connectors, PS §12-704.
Temporary fastening devices.
Use of "clip-type" connectors prohibited, PS §12-703.

J

JAILS.

Correctional officers.

Arrest, authority to make.
Warrantless arrest, CP §2-207.

JET FUEL.

Possession of destructive device, CR §§4-501 to 4-503.

JOHNS HOPKINS UNIVERSITY AND HEALTH SYSTEM.

Police department.

Police officer defined, CP §2-101.

JOINT INVESTIGATIONS.

Police officer's participation, authority, notice, CP §2-102.

JUDGMENTS AND DECREES.

Arbitration and award.

Liability for judgment against unincorporated association, CJ §11-105.

Motor vehicles.

Emergency vehicles.
Liability for negligent operation.
Effect of judgment against owner or lessee, CJ §5-639, TR §19-103.

JURISDICTION.

Law enforcement personnel.

Acting outside jurisdiction, CJ §5-605.

Maryland Transit Administration.

Jurisdiction over transit facilities, TR §7-208.

Police.

Enforcement of law throughout state, CP §2-102.

JURY.

Jurors.

Workers' compensation.
Average weekly wage, LE §9-602.
Insurance coverage.
Coverage required, LE §9-402.

K

KARF'S LAW.

Multiple-line telephone systems.

Direct dial 9-1-1, PS §1-314.

KENT COUNTY.

Building codes.

Agricultural buildings.
Exemption for buildings used for agritourism, PS §12-508.

Fire companies.

Volunteer firemen and rescue squadmen.
Insurance coverage required, LE §9-402.

Fire department.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Rescue squads.

Workers' compensation.
Volunteer fire company or rescue squad.
Insurance coverage required, LE §9-402.

Sheriff.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Workers' compensation.

Rescue squads.
Volunteer fire company or rescue squad.
Insurance coverage required, LE §9-402.

KEROSENE.

Possession of destructive device, CR
§§4-501 to 4-503.

KEROSENE-FIRED HEATERS, CL
§14-1310.

KILLED IN PERFORMANCE OF DUTIES.

Death benefits.

Public safety officers and employees, PS
§1-202.

L

LABELS.

Consumer protection.

Electricity.
Labeling electrical consumer products, CL
§13-308.

LABOR AND EMPLOYMENT RELATIONS.

Catastrophic health emergency disease surveillance and response program.

Quarantine directive issued by secretary.
Discharge from employment prohibited,
HG §18-906.

Definitions.

Employment standards and conditions, LE
§3-101.

Explosives.

Employees of businesses that use
explosives.
Sale, distribution and use of explosives,
PS §11-110.

Fireworks plants.

Personnel.
Safety standards, PS §10-209.

Volunteer activities, LE §3-703.

Discharge prohibited, LE §3-703.

Wage discrimination.

Commissioner.
Defined, LE §3-101.

Wage payment and collection.

Administration.
Delegation of powers and duties of
commissioner, LE §3-104.

Workers' compensation.

General provisions.
See WORKERS' COMPENSATION.
Insurance.
See WORKERS' COMPENSATION.

Workplace fraud.

Delegation of powers by commissioner, LE
§3-104.

LABOR DEPARTMENT.

Elevator safety review board, PS §§12-819
to 12-842.

See ELEVATOR SAFETY REVIEW
BOARD.

LANDLORD AND TENANT.

Accidents.

Effect of covenant to surrender premises in
good repair, RP §8-113.
Termination of tenancy for unavoidable
accident, RP §8-112.

Covenants.

Surrendering premises in good repair.
Effect of covenant, RP §8-113.

Effect of covenant to surrender premises in good repair, RP §8-113.

Leases.

Covenants.
Effect of covenant to surrender premises
in good repair, RP §8-113.

Termination.

For fire or unavoidable accident, RP
§8-112.

Negligence.

Effect of covenant to surrender premises in
good repair, RP §8-113.

Rent.

Fire or unavoidable accident.
Termination of liability, RP §8-112.

Repairs.

Effect of covenant to surrender premises in
good repair, RP §8-113.

Smoke detectors, PS §§9-101 to 9-109.

Termination of tenancy for fire or unavoidable accident, RP §8-112.

Unavoidable accident.

Termination of tenancy, RP §8-112.

LAND TRUSTS.

Rural legacy program.

Applications by land trusts for designation,
NR §5-9A-05.

LARCENY.

Motor vehicles.

Theft alarm signal device, TR §22-401.

LAW ENFORCEMENT OFFICERS AND PERSONNEL.

Acquired immune deficiency syndrome (AIDS).

Notification of exposure to virus, HG
§18-213.

Actions.

Right to sue.
Rights of officers generally, PS §3-103.

Bill of rights.

Rights of officers generally, PS §3-103.

Charging documents against law enforcement officers.

Application filed in District Court, CJ
§2-608.

Definitions, CJ §2-608.

Prerequisites for filing statements of
charges, CJ §2-608.

State's attorneys.

Application forwarded to, CJ §2-608.

Duties, CJ §2-608.

Effect of section on, CJ §2-608.

LAW ENFORCEMENT OFFICERS AND PERSONNEL —Cont'd

Conflicts of interest.

Rights of officers generally, PS §3-103.

Contagious diseases.

Notification of exposure to contagious diseases, HG §18-213.

Death in the line of duty.

Death benefits, PS §1-202.

Property tax credits.

Spouse of fallen officer, TP §9-210.

Reward for information regarding person who causes death, PS §1-201.

Diphtheria.

Notification of exposure, HG §§18-213 to 18-213.2.

District Court.

Charging documents against law enforcement officers.

Application filed in District Court, CJ §2-608.

Emergency management.

Enforcement, PS §14-113.

Emergency vehicles.

Traffic laws generally.

See EMERGENCY VEHICLES.

Federal law enforcement officers, powers, CP §2-104.

Immunity from suit, CJ §5-611.

Park police officers.

Authority to enforce state laws within park, CP §2-104.1.

Authority to issue citations, CP §§2-104.1, 4-101.

Fire police.

Washington county.

Fire and ambulance company members.

Designation, powers, termination, removal, PS §7-304.

Flag benefit.

Firefighter killed in performance of duty.

Issuance to family, PS §1-202.

Fundraising to benefit police.

Fraudulent conduct, CR §8-520.

Good Samaritan law.

Immunity from liability, CJ §5-603.

Heart attack.

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

Hemorrhagic fevers.

Notification of exposure, HG §§18-213 to 18-213.2.

Hepatitis.

Exposure to.

Notification, HG §§18-213 to 18-213.2.

Human immunodeficiency virus.

Notification of exposure to virus, HG §18-213.

Immunity.

Federal law enforcement officers, powers.

Exercising powers granted, CJ §5-611.

LAW ENFORCEMENT OFFICERS AND PERSONNEL —Cont'd

Immunity —Cont'd

United States.

Federal law enforcement officers.

Assisting police officers, CJ §5-611.

Income tax.

Adjusted gross income of individuals.

Subtraction from federal adjusted gross income.

Income earned by law enforcement

officers in political subdivisions with high crime rates, TG §10-207.

Volunteer police officers, TG §10-208.

Jurisdiction, acting outside, CJ §5-605.

Liability.

United States.

Federal law enforcement officers.

Assisting police officers, CJ §5-611.

Meningitis.

Exposure to.

Notification of law enforcement officers, HG §18-213.

Mononucleosis.

Exposure to.

Notification of law enforcement officers, HG §18-213.

911 emergency telephone system, PS

§§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Plague.

Notification of exposure, HG §§18-213 to 18-213.2.

Political activity, right to engage in.

Rights of officers generally, PS §3-103.

Property taxes.

Credits.

Spouse of fallen officer, TP §9-210.

Rabies.

Notification of exposure, HG §§18-213 to 18-213.2.

Retaliation.

Rights of officers generally, PS §3-103.

Reward.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

Rights of officers generally, PS §3-103.

Right to sue.

Rights of officers generally, PS §3-103.

Scholarships.

Children or surviving spouses of public safety employees killed in line of duty, ED §18-601.

Secondary employment.

Rights of officers generally, PS §3-103.

State's attorneys.

Charging documents against law enforcement officers.

Application for statement of charges forwarded to, CJ §2-608.

Duties, CJ §2-608.

LAW ENFORCEMENT OFFICERS AND PERSONNEL —Cont'd

Stroke.

- Death benefits.
- Death as result of personal injury in performance of duties.
- Presumption, PS §1-202.

Taxation.

- Property tax credits.
- Spouse of fallen officer, TP §9-210.

Tuberculosis.

- Exposure to tuberculosis.
- Notification of law enforcement officers, HG §18-213.

United States.

- Federal law enforcement officers.
- Assisting police officers.
- Immunity from liability, CJ §5-611.
- Park police officers.
- Authority to enforce state laws within park, CP §2-104.1.
- Authority to issue citations, CP §§2-104.1, 4-101.

Whistleblower protection.

- Rights of officers generally, PS §3-103.

LEAD POISONING.

Motor vehicles, lead and mercury wheel weights, EN §6-501.

LEGISLATIVE SERVICES DEPARTMENT.

Office of legislative audits.

- Authorized audits, SG §2-1220.
- Required audits, SG §2-1220.
- Unit, defined, SG §2-1220.

LIABILITY INSURANCE.

Explosives licenses.

- Proof of, PS §11-106.

Property and casualty insurance.

- See PROPERTY AND CASUALTY INSURANCE.

LIBRARIES.

Emergency management.

- Public library as essential community service during emergency, PS §14-110.2.

LICENSES.

Ambulances, ED §13-515.

Chain stores, BR §17-1804.

Elevators, PS §§12-826 to 12-842.

- See ELEVATORS.

Explosives, PS §§11-101 to 11-118.

- Applications, PS §11-106.
- Denial of application, PS §11-107.
- Dealer's license.
- Scope of license, PS §11-108.
- Denial of application, PS §11-107.
- Fees, PS §11-106.
- Issuance, PS §11-107.
- Notice of issuance, PS §11-107.
- Penalty for violations, PS §11-114.
- Additional penalties, PS §11-116.

LICENSES —Cont'd

Explosives —Cont'd

- Penalty for violations —Cont'd
- Merger of convictions, PS §11-117.
- Required, PS §11-105.
- Revocation, PS §11-111.
- Term of license, PS §11-109.
- Workers' compensation.
- Certificate of compliance, PS §11-107.

Fire-rescue education and training commission.

- Standards and procedures for instructors, COMAR 13B.03.01.

Fire sprinkler contractor licensing,

- COMAR 29.06.05, PS §§9-901 to 9-905.

Fireworks plants.

- License to operate, PS §10-201.
- Unlicensed operation, PS §10-210.

Municipal corporations.

- Legislative authority, general powers of municipality, LG §5-204.

Sprinkler systems.

- Fire sprinkler contractor licensing, COMAR 29.06.05.

LIFE INSURANCE AND ANNUITIES.

Group life insurance.

- Ambulance service organizations insuring members, IN §17-208.
- Fire departments insuring members, IN §17-208.
- Rescue squads insuring members, IN §17-208.
- Volunteer fire, rescue squad or ambulance service organizations, IN §17-208.

LIGHTS AND LIGHTING.

Vessels and boats.

- Flashing red and yellow lights or signal devices.
- Misdemeanor for prohibited use, NR §8-727.1.
- Use, NR §8-727.1.

LIMITATION OF ACTIONS.

Burning with intent to defraud, CR §6-106.

Public information act.

- Actions under, CJ §5-110.

Two-year period.

- Public information act.
- Actions under, CJ §5-110.

LITTER CONTROL LAW.

Dumping site surveillance systems.

- Citations, procedure, CJ §7-302.

LOANS.

Underground storage tank upgrade and replacement fund.

- Purposes, EN §4-601.

LOCAL CORRECTIONAL FACILITIES.

Correctional officers.

- Arrest, authority to make.
- Warrantless arrest, CP §2-207.

LOCAL CORRECTIONAL FACILITIES

—Cont'd

Correctional officers —Cont'd

Warrantless arrest, authority, CP §2-207.

LOCAL FIRE AND POLICE PENSION SYSTEM.**Benefits.**

Continuation, SPP §23-501.

LOCAL GOVERNMENTS.**Commercial or industrial development projects,** LG §18-301.**Cooperation among political subdivisions.**

Mutual assistance authorized, LG §1-901.

Franchises.

Cable television systems, LG §1-708.

Housing.

Affordable housing programs, LG §1-1308.

LOCAL LAWS.**Building codes.**

Amendments to performance standards, PS §12-504.

Effect of subtitle, PS §12-502.

Implementation and enforcement of performance standards, PS §12-505.

Rehabilitation code.

Meetings regarding complex projects, PS §12-1005.

LODGING ESTABLISHMENTS.**Barbeque grills.**

Restrictions on use, PS §9-1001.

Building codes.

Emergency power and lighting systems, PS §12-702.

Carbon monoxide alarms.

Installation in dwellings, PS §§12-1101 to 12-1106.

Evacuation procedures, PS §§9-501 to 9-506.**Sprinkler systems,** PS §§9-201 to 9-206.**LOSS INVESTIGATIONS.****Disclosure of information concerning fire loss investigation.**

Immunity, CJ §5-409.

LUNG DISEASE.**Workers' compensation.**

Occupational diseases, statutory presumption for first responders, LE §9-503.

LYME DISEASE.**Workers' compensation.**

Occupational diseases, statutory presumption for first responders, LE §9-503.

M**MAIL.****Motor vehicles.**

Rural letter carrier's warning device.

Lights, TR §22-218.

MALICIOUS BURNING.**Malicious burning of personal property in first degree,** CR §6-104.**Malicious burning of personal property in second degree,** CR §6-105.

Warrantless arrest, CP §§2-203, 2-208.

MALICIOUS DESTRUCTION OF PROPERTY.**Citation for malicious destruction of property.**

Police officer authorized to charge by, CP §4-101.

MALICIOUS MISCHIEF.

Warrantless arrest, CP §2-203.

MALPRACTICE.**Catastrophic health emergency,**

immunity in times of, PS §14-3A-06.

Health care malpractice claims.

Insurance.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

Insurance.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

MANAGING FOR RESULTS.**Strategic plan.**

Inclusion in budget books, SF §7-121.

MANSLAUGHTER.**Vehicular manslaughter.**

Warrantless arrest, CP §2-203.

MANSLAUGHTER BY VEHICLE OR VESSEL.

Warrantless arrest, CP §2-203.

MANUFACTURED HOMES.**Building codes.**

Industrialized buildings and manufactured homes.

See BUILDING CODES.

MANUFACTURE OF DESTRUCTIVE DEVICE, CR §4-503.**MARIJUANA.****Citation, use or possession of less than 10 grams of marijuana.**

Remittance of civil penalties collected, CJ §7-302.

INDEX

MARKETS.

Municipal corporations.

Legislative authority, general powers of municipality, LG §5-204.

MARYLAND BUILDING

REHABILITATION CODE, PS

§§12-1001 to 12-1007.

MARYLAND BUILDING

REHABILITATION CODE ADVISORY COUNCIL, PS §12-1003.

MARYLAND EMERGENCY

MANAGEMENT AGENCY (MEMA), PS

§§14-101 to 14-115.

See EMERGENCY MANAGEMENT.

MARYLAND EMERGENCY

MANAGEMENT ASSISTANCE

COMPACT, PS §§14-801 to 14-803.

MARYLAND FIREMEN'S ASSOCIATION.

Volunteer firemen and rescue squadmen.

General provisions.

See FIRE DEPARTMENT.

MARYLAND FIRST.

Statewide interoperability radio control board, PS §§1-501 to 1-503.

Definitions, PS §1-501.

Duties, PS §1-503.

Established, composition, PS §1-502.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

Police.

Authority granted police officers generally, CP §2-102.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP §2-102.

MARYLAND TRANSIT ADMINISTRATION.

Jurisdiction.

Jurisdiction over transit facilities, TR §7-208.

Police.

Authority granted police officers generally, CP §2-102.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP §2-102.

Reports.

Hearings before administration, TR §7-506.

MARYLAND TRAUMA PHYSICIAN SERVICES FUND, HG §19-130.

MARYLAND VOLUNTEER SERVICE ACT.

Liability of volunteers, CJ §5-407.

MEDICAID.

Ambulances.

Reimbursement for emergency service transporters, HG §15-114.1.

Emergency medical care services.

Reimbursement for emergency service transporters, HG §15-114.1.

Emergency service transporters.

Reimbursement procedures under program, HG §15-114.1.

Reimbursement procedures under program.

Emergency service transporters, HG §15-114.1.

Rescue squads.

Reimbursement for emergency service transporters, HG §15-114.1.

MEDICAL MALPRACTICE.

Insurance.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

MEDICAL ORDERS FOR

LIFE-SUSTAINING TREATMENT, HG

§§5-608, 5-608.1.

MENINGITIS.

Exposure to virus.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Notification, HG §18-213.

MENTAL HEALTH FACILITIES.

Automatic fire extinguishing systems.

Specified buildings, PS §9-503.

Emergency evaluations.

Reimbursements, HG §10-628.

Transfers of patients.

Determination.

Matters for determination, HG §10-807.

Due process, notice and opportunity to be heard, HG §10-807.

Nonresidents, HG §10-807.

Notice, HG §10-807.

Records, HG §10-807.

MENTALLY ILL.

Emergency evaluations.

Reimbursements, HG §10-628.

Reimbursement for services provided under emergency petition, HG

§10-628.

MERCURY.

Motor vehicles, lead and mercury wheel weights, EN §6-501.

MILITARY SERVICES.

Barracks.

Sprinkler systems, PS §§9-201 to 9-206.

MILITARY SERVICES —Cont'd

Death benefit.

- Killed or dies in performance of duties.
- Resident members of uniformed services serving in Afghanistan or Iraq conflicts, PS §1-202.

Drivers' licenses.

- Exemption of members of armed forces and dependents, TR §16-102.

Income tax.

- Adjusted gross income of individuals.
- Subtraction from federal adjusted gross income, TG §10-207.

Killed or dies in performance of duties.

- Death benefit.
- Resident members of uniformed services serving in Afghanistan or Iraq conflicts, PS §1-202.

Motor vehicles.

- Drivers' licenses, TR §16-102.

Scholarships.

- Prisoners of war or children of certain veterans, ED §18-601.

Volunteer company assistance fund, PS
§§8-201 to 8-206.

Workers' compensation.

- Average weekly wage.
- Member of organized militia, LE §9-602.
- Insurance coverage.
- Organized militia.
- Coverage required, LE §9-402.

MILITIA.

National guard.

- Motor vehicles.
- Drivers' licenses.
- Persons exempt from licensing requirements, TR §16-102.

Scholarships.

- Children or surviving spouses of public safety employees killed in line of duty, ED §18-601.

Scholarships.

- National guard members.
- Children or surviving spouses of public safety employees killed in line of duty, ED §18-601.

Workers' compensation.

- Average weekly wage.
- Member of organized militia, LE §9-602.
- Insurance coverage.
- Coverage required, LE §9-402.

MINIMUM WAGE.

Administration.

- Delegation of powers and duties of commissioner, LE §3-104.

MINING.

Explosions and explosives.

- Generally, PS §§11-101 to 11-118.
- See EXPLOSIONS AND EXPLOSIVES.

Rural legacy program.

- Reservation of mineral rights, NR §5-9A-05.

MINORS.

Abandonment.

- Newborns.
- Immunity from liability, CJ §5-641.

Alcoholic beverages.

- Citation, crimes charged by.
- Sales to underage drinkers, CP §4-101.

Alcoholic beverages, statewide provisions.

- Citation for violations.
- Sales to underage drinkers, CP §4-101.

Destructive devices, manufacture or possession.

- Suspension of driving privileges, CR §4-503.

Motor vehicles.

- Drivers' licenses.
- Destructive devices, manufacture or possession.
- Suspension of driving privilege, CR §4-503.
- False statement concerning destructive device or toxic material.
- Suspension of driving privilege, CR §9-504.
- Wireless communications.
- Use of wireless communications device while driving, TR §21-1124.

MISDEMEANORS.

Ambulances.

- Impersonating firefighters or emergency services personnel, PS §7-402.

Ambulance services.

- Licenses, ED §13-515.

Building codes.

- Electrical code violations, PS §12-616.
- Structural iron or steel.
- Beams or girders with studs or reinforcing shear connectors, PS §12-704.

Burning trash container, CR §6-108.

Burning with intent to defraud, CR
§6-106.

Catastrophic health emergency.

- Violation of order, directive or requirement, PS §14-3A-08.

Charities.

- Grossly negligent violations, BR §6-619.
- Willful violations, BR §6-619.

Children in need of assistance.

- Contributing to certain conditions of child, CJ §3-828.

Elevators.

- Licenses.
- Violations, PS §12-840.

Emergency management.

- Maryland emergency management agency (MEMA), PS §14-114.

Emergency medical care and services.

- Impersonating firefighters or emergency services personnel, PS §7-402.

Emergency medical services.

- Unlicensed or not certified persons providing emergency medical services, ED §13-516.

MISDEMEANORS —Cont'd

Environment.

Sanitary waste violations, EN §9-699.

Explosives.

Explosives for use in firearms, PS §11-115.

License or other violations, PS §11-114.

Merger of convictions, PS §11-117.

False alarms, CR §9-604.

Nonemergency activation of alarm system,
CR §9-608.

False impersonations.

Impersonating firefighters or emergency
services personnel, PS §7-402.

Fire insurance.

Disclosure of fire loss investigation reports.

Violations, PS §9-606.

Fire marshal.

Impersonation of fire marshal or employee,
PS §6-602.

Interference with or obstruction of
investigations, PS §6-602.

Fireplaces.

Stoves and freestanding fireplaces, CL
§14-1309.

Fire sprinkler contractor licensing.

Violations, PS §9-905.

Fireworks.

Possession, sale or permit violations, PS
§10-111.

Sparklers, PS §10-112.

Registration of distributors and
wholesalers, PS §10-113.

Fireworks plants, PS §10-210.

Flammable substances, HG §22-407.

Forest and parks.

Fires.

Maliciously setting fires, NR §5-704.

Railroads.

Engines to be provided with appliances to
prevent fire, NR §5-711.

**Fundraising for police, fire departments
or public safety officers.**

Fraudulent conduct, CR §8-520.

Gaming.

Acceptance of credit to play gaming event,
CR §12-108.

General assembly.

Interfering with or disrupting activities of
general assembly, SG §2-1702.

Inspections by local fire departments.

Hindering, obstructing or refusing to allow
inspection, PS §9-805.

Motor vehicles.

Penalties, TR §27-101.

Persons exempt from licensing
requirements, TR §16-102.

Universities and colleges.

Drivers' licenses.

Nonresident students exempt from
license, TR §16-102.

MISDEMEANORS —Cont'd

Prerecorded emergency message.

Transmitting, CR §9-603.

Property and casualty insurance.

Disclosure of fire loss investigation reports.

Violations, PS §9-606.

Rescue squad.

Impersonating firefighters or emergency
services personnel, PS §7-402.

Smoke detectors.

Violations, PS §9-109.

Sprinkler systems.

Fire sprinkler contractor licensing.

Violations, PS §9-905.

Violations.

Fire sprinkler contractor licensing, PS
§9-905.

**State personnel monitoring or recording
telephone conversation, CR §9-602.**

Stoves and freestanding fireplaces, CL

§14-1309.

Support and maintenance.

Criminal nonsupport and desertion.

Desertion of minor child, FL §10-219.

Threat of arson, CR §6-107.

Unfair or deceptive trade practices.

Electrical consumer products, CL §13-308.

Fire resistant insulating material, CL
§13-313.

Universities and colleges.

Drivers' licenses.

Nonresident students exempt from
license, TR §16-102.

MOBILE HOMES.

Building codes.

Industrialized buildings and manufactured
homes.

See BUILDING CODES.

Taxation.

Excise tax on certificates of title.

Exemption, TR §13-810.

MOBILE PHONES.

911 emergency telephone system, PS

§§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE
SYSTEM.

Traffic laws.

Minors, use of wireless communications
device while driving, TR §21-1124.

Using handheld telephone while driving,
TR §21-1124.2.

MOBILITY IMPAIRED.

Residential high-rise buildings.

Right to request rental unit on first five
floors.

Notice by owner, PS §9-405.

MOLOTOV COCKTAIL.

Possession of destructive device, CR

§§4-501 to 4-503.

MONONUCLEOSIS.

Exposure to virus.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Notification, HG §18-213.

MONTGOMERY COUNTY.

County board of education.

Property.

Parking, TR §21-1003.

Fire and explosive investigator.

Authority of, CP §2-208.1.

Montgomery college.

Parking.

May be prohibited, TR §21-1003.

Noise control.

Trapshooting, skeet shooting, etc.

Limitations on authority, EN §3-401.

Sheriff.

Deputies.

Entitlement to workers' compensation.

Statutory presumption for occupational diseases, LE §9-503.

Trapshooting, skeetshooting or other target shooting.

Environmental sound level limits and noise control rules and regulations, EN §3-401.

MOPEDS.

Permits to operate.

Fraud in application or obtaining permit.

Penalties, TR §27-101.

MORE JOBS FOR MARYLANDERS.

Corporations.

Recordation fees, exemption, CA §1-203.1.

MORGAN STATE UNIVERSITY.

Police.

Authority granted police officers generally, CP §2-102.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP §2-102.

MORTGAGES AND DEEDS OF TRUST.

Mortgage forgiveness debt relief act.

Income tax, subtractions from federal adjusted gross income, TG §10-207.

MOTELS.

Barbeque grills.

Restrictions on use, PS §9-1001.

Carbon monoxide alarms.

Installation in dwellings, PS §§12-1101 to 12-1106.

Smoke detectors.

Deaf and hard of hearing, notification appliance for, PS §9-105.

Sprinkler systems, PS §§9-201 to 9-206.

MOTION PICTURES.

Driving while video display equipment turned on, TR §22-414.1.

MOTOR CARRIER TAX.

Definitions, TG §9-201.

MOTOR FUEL TAX.

Aviation fuel.

Distribution of revenue from, TG §2-1103.

Definitions, TG §9-301.

Increase in tax rate, TG §9-305.

Licenses.

Defined, TG §9-301.

Rate of tax, TG §9-305.

Average annual retail price as basis for tax rate, TG §9-306.

Sales and use tax equivalent rate.

Addition to fuel tax rate, TG §9-306.

Inventory of motor fuel held at start of business on date of increase in, TG §9-306.

Sellers.

Special fuel sellers.

Defined, TG §9-301.

Turbine fuel sellers.

Defined, TG §9-301.

Tax rates, TG §9-305.

Average annual retail price as basis for tax rate, TG §9-306.

Users.

Special fuel users.

Defined, TG §9-301.

MOTOR VEHICLE ADMINISTRATION.

Records.

Certified copies of records, TR §12-113.

MOTOR VEHICLE EMISSIONS INSPECTION.

Ambulances.

Exemptions, TR §23-206.1.

Exemptions from mandatory inspections,

TR §23-206.1.

Fire and rescue apparatus.

Exemptions, TR §23-206.1.

MOTOR VEHICLE EQUIPMENT.

Bumpers.

Alterations reducing effectiveness of, TR §22-105.

Lead and mercury wheel weights, EN §6-501.

Lights.

Alternately flashing warning lights.

School vehicles, TR §22-218.

Auxiliary lamps, TR §22-217.

Emergency vehicles, TR §22-218.

Sections not applicable, TR §22-217.

Flashing red lamps, TR §§22-218, 22-227.

Fog lamps, TR §22-217.

Oscillating, blinking, etc., lights on certain vehicles, TR §22-218.

Police vehicles, TR §22-218.

Rear of vehicle.

Color of light, TR §22-227.

INDEX

MOTOR VEHICLE EQUIPMENT —Cont'd

Lights —Cont'd

- Red or blue lamps.
 - Visible from front, TR §22-227.
- Restrictions.
 - Special restrictions on lamps, TR §22-227.
- School vehicles.
 - Alternately flashing warning lights, TR §22-218.
- Spot lamps, TR §22-217.
- Taxicabs.
 - Flashing green lights on taxicabs, TR §22-218.
- White lamps.
 - Visible from rear, TR §22-227.

Mercury wheel weights, EN §6-501.

Noise abatement program.

- Exemption of authorized emergency vehicles, TR §22-604.

Power booster systems, TR §22-404.5.

Repair orders for defective equipment, TR §22-105.

Safety equipment.

- Repair orders for defective equipment, TR §22-105.

Signs and emblems.

- Display, TR §22-404.1.

Sirens, TR §22-401.

Television-type receiving equipment.

- Driving while turned on, TR §22-414.

Theft alarm signal device, TR §22-401.

Video display equipment.

- Driving while turned on, TR §22-414.1.

Warning devices, TR §22-401.

Whistles, TR §22-401.

MOTOR VEHICLE INSPECTIONS.

Ambulances.

- Exemptions, TR §23-206.1.

MOTOR VEHICLE INSURANCE.

Fines.

- Operating vehicle not covered by required security, TR §17-107.

Immunity.

- Operating vehicle not covered by required security.

- Defense of sovereign immunity, CJ §5-639, TR §17-107.

Penalties.

- Operating vehicle not covered by required security, TR §17-107.

Sovereign immunity.

- Operating vehicle not covered by required security, CJ §5-524, TR §17-107.

MOTOR VEHICLE REGISTRATION.

Classification.

- Ambulances, TR §13-914.
- Funeral vehicles, TR §13-914.

Exemptions.

- Registration fees, TR §13-903.

Fees.

- Ambulances, TR §13-914.

MOTOR VEHICLE REGISTRATION

—Cont'd

Fees —Cont'd

- Exemptions, TR §13-903.
- Funeral motor vehicles, TR §13-914.
- Surcharge, TR §13-954.

Surcharge for motor vehicle registration, TR §13-954.

Veterans.

- Fee exemptions, TR §13-903.

MOTOR VEHICLES.

Alarm systems, TR §22-401.

Ambulances.

- See AMBULANCES.

Cell phones.

- Minors, use of wireless communications device while driving, TR §21-1124.
- Using handheld telephone while driving, TR §21-1124.2.

Earphones.

- Wearing prohibited, TR §21-1120.

Emergency vehicles.

- See EMERGENCY VEHICLES.

Enforcement of vehicle law beyond police officer's jurisdiction.

- Prohibited, CP §2-102.

Explosives and munitions.

- Forfeiture of vehicle for violations, CP §13-301.

Fines.

- Propane fueled vehicles.
 - Identification decals, TR §22-404.4.

Fire departments.

- Fire hose.
 - Crossing prohibited, TR §21-1110.
- Fire hydrants.
 - Standing or parking close to, TR §21-1003.
- Following fire apparatus prohibited, TR §21-1109.
- Lights.
 - Oscillating, blinking, etc., lights on certain vehicles, TR §22-218.
- Seat belts or restraining devices in emergency vehicles, TR §22-412.4.
- Standing or parking in driveway entrances to fire stations, TR §21-1003.

General penalty provision.

- Penalty for misdemeanors, TR §27-101.

Headphones.

- Wearing prohibited, TR §21-1120.

Lead and mercury wheel weights, EN §6-501.

Mercury wheel weights, EN §6-501.

Misdemeanors.

- Penalties, TR §27-101.

Move over law.

- Stopped, standing, parked emergency vehicles.

- Duty of driver, TR §21-405.

Optometry.

- Reports of certain disorders or disabilities that would affect driving, TR §16-119.

MOTOR VEHICLES —Cont'd

Penalties.

Misdemeanors, TR §27-101.
Propane fueled vehicles.

Identification decals, TR §22-404.4.

Police vehicles, TR §22-218.

Visual signals not required, TR §21-106.

Propane fueled vehicles.

Identification decals, TR §22-404.4.

Right-of-way.

Emergency vehicles.
Pedestrians to yield, TR §21-510.
Yield right-of-way, TR §§21-405, 21-510.

School crossing guards.

Authority to direct traffic, TR §21-107.

Sovereign immunity.

Operating vehicle not covered by required security, CJ §5-524, TR §17-107.

Television-type receiving equipment.

Driving while turned on, TR §22-414.

Traffic citations.

Uniform forms, CJ §1-605.

Video display equipment.

Driving while turned on, TR §22-414.1.

MOTOR VEHICLE THEFT.

Alarm signal device, TR §22-401.

MOTOR VEHICLE TITLING.

Corporations.

Exemption of vehicles, TR §13-810.

Disabled persons.

Vehicles used regularly for transportation of disabled persons, TR §13-810.

Excise tax.

Exemptions, TR §13-810.
Transfer.
Vehicles exempt on transfer, TR §13-810.

Partnerships.

Exemption of vehicles, TR §13-810.

MOVE OVER LAW.

Stopped, standing, parked emergency vehicles.

Duty of driver, TR §21-405.

MOVING WALKS.

Defined.

Elevator safety, PS §12-801.

Elevator safety generally, PS §§12-801 to 12-842.

See ELEVATORS.

MULTIPLE-LINE TELEPHONE SYSTEMS.

Kari's Law.

Direct dial 9-1-1, PS §1-314.

MUNICIPAL CORPORATIONS.

Admissions and amusement tax.

Authority to impose tax.
Restrictions, TG §4-103.

Ambulance service.

Local regulation preempted, ED §13-515.

Authority to adopt fire prevention codes, PS §9-701.

MUNICIPAL CORPORATIONS —Cont'd

Blighted areas.

Urban renewal authority, LG §5-215.

Building codes.

Establishment, legislative authority, LG §5-211.

Cemeteries.

Legislative authority, LG §5-209.

Collections.

Legislative authority, LG §5-205.

Conflict of laws.

Ordinances, LG §5-203.

Construction law.

Development, collection of impact fees, LG §5-102.

Cooperation among political subdivisions.

Mutual assistance authorized, LG §1-901.

Economic development.

Local authority, LG §5-214.
Urban renewal authority, LG §5-215.

Elections.

Special elections, powers of municipality, LG §5-206.

Emergency management.

Local organizations for emergency management, PS §14-109.

Eminent domain.

Urban renewal authority, LG §5-215.

Fees.

Collection of impact fees, LG §5-102.

Fire department.

Authority to adopt fire prevention codes, PS §9-701.

Inspections by local fire departments, PS §§9-801 to 9-805.

Mutual aid agreements.

General provisions.
See FIRE DEPARTMENT.

Plan review, PS §9-702.

Fire marshal.

Plan review.
County and municipal fire prevention codes, PS §9-702.

Franchises.

Ordinances.
Legislative authority, general powers of municipality, LG §5-204.

Garbage and refuse.

Health.
Trash disposal, legislative authority, LG §5-209.

Housing and community development.

Affordable housing programs, LG §1-1308.

Human services.

Establishment, legislative authority, LG §5-210.

Inspections by fire marshal, PS §9-702.

Inspections by local fire departments, PS §§9-801 to 9-805.

Legislative authority.

Enumeration of express law making powers, LG §§5-201 to 5-218.

MUNICIPAL CORPORATIONS —Cont'd
Licenses.

Legislative authority, general powers of municipality, LG §5-204.

Markets.

Legislative authority, general powers of municipality, LG §5-204.

Motor vehicles.

Powers of local authorities, TR §25-102.

Ordinances.

Authority to enact and adopt, LG §5-202.
 Bands.

Establishment and regulation, legislative authority, LG §5-216.

Building codes.

Establishment, legislative authority, LG §5-211.

Cemeteries.

Legislative authority, LG §5-209.

Collections.

Legislative authority, LG §5-205.

Conflict of laws, LG §5-203.

Construction of subtitle, LG §5-201.

Economic development.

Local authority, LG §5-214.

Urban renewal authority, LG §5-215.

Enumeration of express law making powers, LG §§5-201 to 5-218.

Ethics, express powers regarding, LG §5-218.

Garbage and refuse.

Trash disposal, legislative authority, LG §5-209.

Human services.

Establishment, legislative authority, LG §5-210.

Licensing authority.

Legislative authority, general powers of municipality, LG §5-204.

Markets.

Legislative authority, general powers of municipality, LG §5-204.

Officers and employees.

Legislative authority, LG §5-206.

Parks and recreation.

Establishment and regulation, legislative authority, LG §5-216.

Planning and zoning authority.

Local authority, LG §5-212.

Port wardens, LG §5-208.

Safety, health and general welfare, expenditures for.

Public safety, LG §5-207.

Sidewalks.

Cleaning, legislative authority, LG §5-217.

Urban renewal authority, LG §5-215.

Zoning.

Regulations, LG §5-213.

Parks and recreation.

Establishment and regulation, legislative authority, LG §5-216.

MUNICIPAL CORPORATIONS —Cont'd
Planning and zoning authority.

Local authority, LG §5-212.

Plan review, PS §9-702.

Police.

Authority granted police officers generally, CP §2-102.

Charging documents against law enforcement officers, CJ §2-608.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP §2-102.

Powers.

Ordinances.

Enumeration of express law making powers, LG §§5-201 to 5-218.

Safety, health and general welfare, expenditures for, LG §5-205.

Public safety, LG §5-207.

Streets and alleys.

Sidewalks.

Cleaning, legislative authority, LG §5-217.

Urban renewal authority, LG §5-215.

Workers' compensation.

Covered employees and employers.

Official of political subdivision, LE §9-217.

Volunteers, LE §9-231.

Zoning.

Local authority, LG §5-212.

Regulations, LG §5-213.

MUSTARD GAS.

Catastrophic health emergency.

Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

Possession of destructive device, CR

§§4-501 to 4-503.

MUTUAL AID AGREEMENTS.

Local governments.

Mutual assistance authorized, LG §1-901.

N

NATIONAL ORIGIN.

Hate crimes, CR §§10-301 to 10-308.

NATURAL RESOURCES.

Department.

Workers' compensation.

Covered employees and employers.

Crew members and fire fighters, LE §9-207.

Police force.

Authority granted police officers generally, CP §2-102.

Charging documents against law enforcement officers, CJ §2-608.

Definitions.

Police officer, CP §2-101.

NATURAL RESOURCES —Cont'd

Police force —Cont'd

Powers.

Granted to police officers generally, CP §2-102.

Workers' compensation.

Department employees.

Covered employees and employers.

Crew members and fire fighters, LE §9-207.

NEGLIGENCE.

Charities.

Grossly negligent violations, BR §6-619.

Contributory negligence.

Motor vehicles.

Seat belts or restraining devices.

Emergency vehicles.

Failure to use as evidence of, TR §22-412.4.

False alarms.

Activating alarm system, CR §§9-607 to 9-611.

Fire department.

Immunity from civil liability for acts or omissions performed in course of duties, CJ §5-604.

Landlord and tenant.

Effect of covenant to surrender premises in good repair, RP §8-113.

Motor vehicles.

Emergency vehicles.

Liability for negligent operation, CJ §5-639, TR §19-103.

Seat belts or restraining devices.

Failure to use as evidence of, TR §22-412.4.

Seat belts.

Emergency vehicles.

Failure to use as evidence of negligence or contributory negligence, TR §22-412.4.

Rescue squads.

Good Samaritan law.

Immunity from civil liability, CJ §5-604.

Seat belts.

Emergency vehicles.

Failure to use seat belts or restraining devices.

Evidence of negligence or contributory negligence, TR §22-412.4.

NERVE GAS.

Catastrophic health emergency.

Governor's power to proclaim, PS

§§14-3A-01 to 14-3A-08.

Possession of destructive device, CR

§§4-501 to 4-503.

NEWBORNS.

Leaving newborn with responsible adult.

Immunity from liability, CJ §5-641.

9/11 TERRORIST ATTACKS.

Scholarships.

Children or surviving spouses of victims of Sept. 11, 2001 terrorist attacks, ED §18-601.

911 EMERGENCY TELEPHONE SYSTEM,

PS §§1-301 to 1-315.

Board.

Annual report, PS §1-307.

Composition, PS §1-305.

Defined, PS §1-302.

Duties, PS §1-306.

Established, PS §1-305.

Cybersecurity.

Public safety answering points, standards, PS §1-309.1.

Defined terms, PS §1-301.

Direct dial (Kari's Law).

Multiple-line telephone systems, PS §1-314.

Effects, PS §1-303.

Enhanced 911 system.

Board duties, PS §1-306.

Components, PS §1-304.

Defined, PS §1-302.

Required, PS §1-304.

Expenditures for maintenance and operation.

Collection of fees, PS §1-312.

Fees.

Expenditures for maintenance and operation.

Collection of fees, PS §1-312.

Immunity.

911 service carriers, PS §1-303.

Prepaid wireless telecommunications services.

Immunity of sellers and providers for transmission failures, PS §1-313.

Transmission failures, PS §1-315.

Inspections.

Public safety answering points, PS §1-306.

Legislative findings, PS §1-302.

Minimum standards.

Board's duties, PS §1-306.

Multiple-line telephone systems.

Direct dial (Kari's Law), PS §1-314.

Next Generation 9-1-1 services.

Board's duties, PS §1-306.

911 fee, PS §1-310.

Additional charges, PS §1-311.

Expenditures by counties from collections, PS §1-312.

Prepaid wireless E911 fee, PS §1-313.

911 service carriers.

Defined, PS §1-302.

Immunity, PS §1-303.

Multiple-line telephone systems.

Direct dial (Kari's Law), PS §1-314.

911 fee, PS §1-310.

Additional charges, PS §1-311.

Expenditures by counties, PS §1-312.

Prepaid wireless E911 fee, PS §1-313.

911 EMERGENCY TELEPHONE SYSTEM
—Cont'd

911 specialists.

- Classification, PS §1-302.1.
- Compensation, PS §1-302.1.
- Defined, PS §1-301.

911 trust fund, PS §1-308.

- Appropriations and disbursements, PS §1-309.

Planning guidelines.

- Board's duties, PS §1-306.

Prepaid wireless telecommunications services.

- Immunity of sellers and providers for transmission failures, PS §1-313.
- 911 fee, inapplicability to prepaid service, PS §§1-310, 1-311.
- Prepaid wireless E911 fee, PS §1-313.

Public safety answering points.

- Cybersecurity standards, PS §1-309.1.
- Defined, PS §1-302.
- Inspections, PS §1-306.

Purposes, PS §1-302.

Reports.

- Board, annual report, PS §1-307.
- Cybersecurity standards for public safety answering points, PS §1-309.1.

Subscribers.

- 911 fee, PS §1-310.
- Additional charges, PS §1-311.
- Expenditures by counties, PS §1-312.
- Prepaid wireless E911 fee, PS §1-313.

Transmission failures.

- Immunity from liability, PS §1-315.

Trust fund, PS §1-308.

- Appropriations and disbursements, PS §1-309.

Unfunded mandates, PS §1-303.

Wireless telecommunications services.

- Immunity of sellers and providers for transmission failures, PS §1-313.
- 911 fee, inapplicability to prepaid service, PS §§1-310, 1-311.
- Prepaid wireless E911 fee, PS §1-313.

NOISE CONTROL.

Environmental noise standards.

- Adoption, EN §3-401.
- Considerations of department, EN §3-401.

Rules and regulations.

- Adoption, EN §3-401.
- Trapshooting, skeet shooting or target shooting.
- Limitations on authority within certain counties, EN §3-401.

Sound level limits.

- Adoption, EN §3-401.

NOTICE.

Acquired immune deficiency syndrome (AIDS).

- Fire fighters, emergency technicians, rescue squadmen, law enforcement officers and correctional officers.
- Exposure to virus, HG §18-213.

NOTICE —Cont'd

Acquired immune deficiency syndrome (AIDS) —Cont'd

- Human immunodeficiency virus testing.
- Notification of results, HG §18-338.1.
- Positive test results.
- Notification to individual from whom blood sample obtained, HG §18-336.

AIDS.

- Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.
- Exposure to virus, HG §18-213.

Building codes.

- Electrical code.
- Disciplinary actions against inspectors, hearings, PS §12-613.
- Inspector certification renewal notice, PS §12-611.
- Modifications to international building code.
- Notice to local jurisdictions, PS §12-507.

Charities.

- Exempt person requirements.
- Fund-raising notice, BR §6-405.

Contagious diseases.

- Exposure, HG §§18-213, 18-213.2.
- Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.
- Exposure to contagious diseases, HG §18-213.

Defective alarm system.

- User notified, use after notice, CR §9-610.

Elevators.

- Inspections.
- Requested inspections, PS §12-809.
- Licenses.
- Notice of qualification, PS §12-831.
- Prohibition against use of unsafe elevator, PS §12-814.1.
- Unsafe conditions disclosed by inspection, PS §§12-814, 12-814.2.

Evacuation procedures.

- Posting required, PS §9-502.

Explosives licenses.

- Notice of issuance, PS §11-107.

Federal law enforcement officers.

- Conducting investigation or enforcement action, CP §2-104.

Fire insurance antiarson applications.

- Notice of changes, IN §19-307.
- Termination of policy or contract, IN §19-309.

Fire marshal.

- Exposure of members of fire marshal's office to contagious disease or virus, HG §18-213.1.
- Warrantless arrest power, acting under, CP §2-208.

INDEX

NOTICE —Cont'd

Forests and parks.

Forest fire and trespass law, NR §5-703.
Railroads.

Maintenance of safety strip.

Property owner to receive notice, NR §5-707.

Hemorrhagic fevers.

Medical and law enforcement personnel.

Notice of exposure, HG §§18-213 to 18-213.2.

Hepatitis.

Firefighters, medical and law enforcement personnel.

Exposure, HG §§18-213 to 18-213.2.

Human immunodeficiency virus.

Blood tests.

Notification of results, HG §18-338.1.

Positive test results.

Notification to individual from whom blood sample obtained, HG §18-336.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Exposure to virus, HG §18-213.

Inspections by local fire departments.

Removal of combustible material, PS §9-804.

Insurance.

Fire insurance antiarson applications.

Notice of changes, IN §19-307.

Termination of policy or contract, IN §19-309.

Meningitis.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Exposure to virus, HG §18-213.

Mononucleosis.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Exposure to virus, HG §18-213.

Physicians.

Burn treatments.

Notice to county fire chief or state fire marshal, HO §14-505.

Fine for failure to provide notice, HO §14-606.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

Plague.

Medical and law enforcement personnel.

Notification of exposure, HG §§18-213 to 18-213.2.

Police.

Conducting investigation or enforcement action, CP §2-102.

NOTICE —Cont'd

Police —Cont'd

Federal law enforcement officers.

Conducting investigation or enforcement action, CP §2-104.

Rabies.

Medical and law enforcement personnel.

Notification of exposure, HG §§18-213 to 18-213.2.

Sanitary commissions.

Water conservation orders, EN §9-663.

Tuberculosis.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Exposure to contagious disease or virus, HG §18-213.

NURSES.

Board of nursing.

Referral of complaints by EMS board to, ED §13-516.

Good Samaritan law.

Immunity from liability, CJ §5-603.

NURSING HOMES.

Building codes.

Emergency power and lighting systems, PS §12-702.

Emergency management plans, PS

§14-110.1.

O

OATHS.

Fire marshal.

Authority to take testimony, PS §6-310.

OBSCENITY AND PORNOGRAPHY.

Indecent exposure.

Warrantless arrest, CP §2-203.

OCCUPATIONAL SAFETY AND HEALTH.

Asbestos protective clothing.

Prohibitions, LE §5-601.

Definitions.

Hazardous and toxic substances.

Access to information, LE §5-401.

Hazardous and toxic substances.

Access to information, LE §§5-401 to 5-410.

Access to retail establishments.

Information for fire control, LE §5-409.

Application of federal standard, LE §5-403.

Chemical information list.

Duty of employer, LE §5-405.

Definitions, LE §5-401.

Exchange of information by contractor and employer, LE §5-408.

Prohibited acts.

Nonapplicability of criminal penalty, LE §5-410.

Requests for information.

Chemical information list.

Duty of employer, LE §5-405.

INDEX

OCCUPATIONAL SAFETY AND HEALTH —Cont'd

Hazardous and toxic substances —Cont'd

- Access to information —Cont'd
 - Requests for information —Cont'd
 - Fire control.
 - Duties of employer, LE §5-409.
 - Right of employees, LE §5-407.
 - Third parties, LE §5-407.
 - Scope of subtitle, LE §5-402.
 - Waiver of a right.
 - Prohibited act, LE §5-404.
 - Access to information for fire control, LE §5-409.

Interpretation and construction.

- Asbestos protective clothing.
 - Legislative policy, LE §5-601.
- Hazardous and toxic substances.
 - Access to information.
 - Application of federal standard, LE §5-403.
 - Nonapplicability of criminal penalty, LE §5-410.
 - Scope of subtitle, LE §5-402.
 - Legislative policy findings, LE §5-102.

Legislative policy findings, LE §5-102.

Workers' compensation.

- General provisions.
 - See WORKERS' COMPENSATION.

OCTABDE.

Manufacturing, processing, selling or distributing product containing.

- Prohibition, EN §§6-1201 to 6-1205.

OLYMPIC GAMES.

Medals and prizes.

- Income tax, subtractions from federal adjusted gross income, TG §10-207.

OPTOMETRISTS.

Motor vehicles.

- Reports of disorders and disabilities that would affect driving, TR §16-119.

ORDINANCES.

Human services.

- Municipal corporations.
 - Establishment, legislative authority, LG §5-210.

Municipal corporations.

- Authority to enact and adopt, LG §5-202.
- Building codes.
 - Establishment, legislative authority, LG §5-211.
- Cemeteries.
 - Legislative authority, LG §5-209.
- Collections.
 - Legislative authority, LG §5-205.
- Conflict of laws, LG §5-203.
 - Construction of subtitle, LG §5-201.
- Economic development.
 - Local authority, LG §5-214.
 - Urban renewal authority, LG §5-215.

ORDINANCES —Cont'd

Municipal corporations —Cont'd

- Enumeration of express law making powers, LG §§5-201 to 5-218.
- Franchises.
 - Legislative authority, general powers of municipality, LG §5-204.
- Garbage and refuse.
 - Trash disposal, legislative authority, LG §5-209.
- Human services.
 - Establishment, legislative authority, LG §5-210.
 - Legislative authority, general powers of municipality, LG §5-204.
- Officers and employees.
 - Legislative authority, LG §5-206.
- Parks and recreation.
 - Establishment and regulation, legislative authority, LG §5-216.
- Planning and zoning authority.
 - Local authority, LG §5-212.
- Port wardens, LG §5-208.
- Safety, health and general welfare, expenditures for, LG §5-205.
 - Public safety, LG §5-207.
- Sidewalks.
 - Cleaning, legislative authority, LG §5-217.
- Urban renewal authority, LG §5-215.
- Zoning.
 - Local authority, LG §5-212.
 - Regulations, LG §5-213.

ORGAN DONATIONS.

Income tax.

- Subtractions from federal adjusted gross income, TG §10-208.

P

PARAMEDICS.

Criminal history records checks.

- Firefighters, rescue squad members and paramedics, PS §6-306.

Fingerprinting.

- Criminal history record checks, PS §6-306.

PARKING.

Disabled persons.

- Reservation of parking space.
 - Parking in reserved space, TR §21-1003.

Fines.

- Prohibited in specified places, TR §21-1003.

Moving vehicle of another into prohibited area, TR §21-1003.

Penalties.

- Prohibited in specified places, TR §21-1003.

Prohibited in specified places, TR §21-1003.

PARTNERSHIPS.

Income tax.

- Exemptions, TG §10-104.

INDEX

PARTNERSHIPS —Cont'd

Motor vehicles.

Certificates of title.

Exemptions, TR §13-810.

PEDESTRIANS.

Emergency vehicles.

Yield right-of-way to authorized emergency vehicles, TR §21-510.

PENALTIES.

Ambulance services.

License violations, ED §13-515.

Building codes.

Electrical code.

Disciplinary actions against inspector, PS §12-612.

Violations generally, PS §12-616.

Catastrophic health emergency, PS

§14-3A-08.

Charities.

Grossly negligent violations, BR §6-619.

Willful violations, BR §6-619.

Exemptions.

Motor vehicles.

Drivers' licenses.

What persons are exempt from licenses, TR §16-102.

Explosions and explosives.

Forfeiture of vehicle for violations, CP §13-301.

Fines generally.

See FINES.

Flammable products act, HG §22-407.

Forests and parks.

Fires.

Failure to render assistance when summoned, NR §5-701.

General assembly.

Firearms.

Bringing firearms into chambers, SG §2-1702.

Interfering with or disrupting activities of general assembly, SG §2-1702.

Hazardous materials and substances.

Civil penalties, EN §7-266.

Punitive damages, EN §7-266.1.

Military services.

Motor vehicles.

Drivers' licenses.

Exemption of members of armed forces and dependents, TR §16-102.

Motor vehicles.

Misdemeanors, TR §27-101.

Persons exempt from licensing requirements, TR §16-102.

Physicians.

Licenses, HO §14-606.

Sanitary commissions.

Prohibited acts, EN §9-699.

School buses.

Obstructing driver during operation, ED §26-104.

PENALTIES —Cont'd

Support and maintenance.

Criminal nonsupport and desertion.

Desertion of minor child, FL §10-219.

PENSIONS.

Income tax.

Individuals.

Adjusted gross income.

Pickup contributions of retirement or pension system members, TG §10-207.

PENTABDE.

Manufacturing, processing, selling or distributing product containing.

Prohibition, EN §§6-1201 to 6-1205.

PERJURY.

Fire marshal.

False testimony, PS §6-310.

PERMITS.

Explosions and explosives.

Blaster's permits.

Applications, PS §11-106.

Denial of application, PS §11-107.

Issuance, PS §11-107.

Workers' compensation.

Certificate of compliance, PS §11-107.

Fireworks.

Accident insurance, PS §10-106.

Application process, PS §10-104.

Authority to grant, PS §10-103.

Bonds, surety, PS §10-105.

Fees, PS §10-104.

Findings required, PS §10-103.

Inspections, PS §10-107.

Investigations, PS §10-107.

Liability insurance, PS §10-105.

Prohibited acts, PS §10-110.

Required, PS §10-104.

Sparklers.

Registration of distributors and wholesalers, PS §10-113.

Workers' compensation, PS §10-106.

PERSONAL PROPERTY.

Arson and burning, CR §§6-101 to 6-111.

See ARSON AND BURNING.

PETROLEUM SOAKED AMMONIUM NITRATE.

Possession of destructive device, CR §§4-501 to 4-503.

PHYSICIANS.

AIDS.

HIV testing.

Positive test results.

Notification to individual from whom blood sample obtained, HG §18-336.

Burn injuries.

Notice to county fire chief or state fire marshal, HO §14-505.

Fine for failure to provide notice, HO §14-606.

PHYSICIANS —Cont'd

Catastrophic health emergency.

Immunity from civil or criminal liability, PS §14-3A-06.

Charitable organizations.

Liability.

Immunity of physicians and volunteers providing health care services, CJ §5-606.

Funds.

Trauma physician services fund, HG §19-130.

Good Samaritan law.

Immunity from liability, CJ §5-603.

Health emergencies.

Catastrophic health emergency.

Health care practitioner.

Governor's order to participate, PS §14-3A-03.

Failure to comply, penalty, PS §14-3A-08.

Human immunodeficiency virus.

Blood tests.

Positive test results.

Notification to individual from whom blood sample obtained, HG §18-336.

Immunity.

Charitable organizations.

Immunity from civil liability, CJ §5-606.

Good Samaritan law, CJ §5-603.

Insurance.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

Licenses.

Fraud.

Penalties, HO §14-606.

Penalties, HO §14-606.

Practicing without license.

Fines, HO §14-606.

Violations.

Penalties, HO §14-606.

Malpractice claims and actions.

Insurance.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

Motor vehicles.

Reports of disorders and disabilities that would affect driving, TR §16-119.

Notices.

Burn treatment.

Notice to county fire chief or state fire marshal, HO §14-505.

Fine for failure to provide notice, HO §14-606.

Patient notification of lapse of medical professional liability coverage, HO §14-508.

Penalties.

Licenses.

Violations, HO §14-606.

PHYSICIANS —Cont'd

Privileged communications.

Contagious diseases.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers or correctional officers.

Notification of exposure of virus.

Breach of patient confidentiality, HG §18-213.

Human immunodeficiency virus.

Notice of exposure of virus to fire fighters, emergency medical technicians, rescue squadmen and law enforcement officers.

Breach of patient confidentiality.

Liability of physician, HG §18-213.

Topical medication, dispensing without dispensing permit, HO §14-509.

Trauma physician services fund, HG §19-130.

Unauthorized practice of medicine.

Practice without license.

Fines and criminal enforcement, HO §14-606.

PIERS.

Arson and burning, CR §§6-101 to 6-111.

PIPE BOMB.

Possession of destructive device, CR §§4-501 to 4-503.

PLAGUE.

Catastrophic health emergency.

Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

Notices.

Medical and law enforcement personnel.

Notification of exposure, HG §§18-213 to 18-213.2.

PLANNING.

Municipal corporations.

Local authority, LG §5-212.

POISON GAS.

Possession of destructive device, CR §§4-501 to 4-503.

POLICE.

Acting at request of other police officer.

Exercising powers granted, CP §2-102.

Aiding other police officer.

Exercising powers granted, CP §2-102.

Arrests.

Authority to make, CP §2-102.

Federal law enforcement officers, CJ §5-611.

Generally.

See ARREST.

Authority, CP §2-102.

Charging documents against law enforcement officers, CJ §2-608.

Citation, charging by, CP §4-101.

Death in the line of duty.

Death benefits, PS §1-202.

INDEX

POLICE —Cont'd

Death in the line of duty —Cont'd

- Property tax credits.
- Spouse of fallen officer, TP §9-210.
- Reward for information regarding person who causes death, PS §1-201.

Definitions, CP §2-101.

- Charging documents against law enforcement officers, CJ §2-608.

Disturbing the peace or disorderly conduct.

- Citation, authorize to issue for, CP §4-101.

Emergency.

- Exercising powers granted, CP §2-102.

Emergency vehicles.

- See EMERGENCY VEHICLES.

Enforcement of laws throughout state, CP §2-102.

Federal law enforcement officers.

- Arrest.
 - Legal status and immunity from suit, CJ §5-611.
- Park police officers.
 - Authority to enforce state laws within park, CP §2-104.1.
 - Authority to issue citations, CP §§2-104.1, 4-101.

Fire police.

- Washington county.
 - Fire and ambulance company members.
 - Designation, powers, termination, removal, PS §7-304.

Fundraising to benefit police.

- Fraudulent conduct, CR §8-520.

Helping other police officer.

- Exercising powers granted, CP §2-102.

Immunity from liability and exemptions.

- Acting under granted authority, CP §2-102.
- Federal law enforcement officers, CP §2-104.
- Federal law enforcement officers.
 - Assisting police officers.
 - Immunity from liability, CJ §5-611.

Income tax.

- Subtraction from federal adjusted gross income.
 - Income earned by law enforcement officers in political subdivisions with high crime rates, TG §10-207.
- Volunteer police officers, TG §10-208.
 - Honorable Louis L. Goldstein volunteer police, fire, rescue and emergency medical services personnel subtraction modification program, TG §10-213.

Investigations.

- Authority to conduct, CP §2-102.

Joint investigations.

- Exercising powers granted, CP §2-102.
- Notice of participation, CP §2-102.

Jurisdiction.

- Enforcement of law throughout state, CP §2-102.

POLICE —Cont'd

Liability.

- United States.
 - Federal law enforcement officers.
 - Assisting police officers.
 - Immunity from liability, CJ §5-611.

Malicious destruction of property.

- Citation, authorize to issue for, CP §4-101.

Motor vehicles.

- Approach of emergency or police vehicles.
 - Operation of vehicle on, TR §21-405.

Lights.

- Oscillating, blinking, etc., lights on certain vehicles, TR §22-218.

Move over law.

- Stopped, standing, parked emergency vehicle, TR §21-405.

Pulling over to curb or edge of roadway.

- Approach of emergency vehicle, TR §21-405.

Stopping until emergency vehicle passes, TR §21-405.

Visual signals not required for emergency vehicles, TR §21-106.

911 emergency telephone system, PS

- §§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Notices.

- Investigation or enforcement of act.
 - Persons required to be notified, CP §2-102.
 - Federal law enforcement officers, CP §2-104.

Powers, CP §2-104.

- Grant generally, CP §2-102.

Property taxes.

- Credits.
 - Spouse of fallen officer, TP §9-210.

Reward.

- Death in the line of duty.
 - Reward for information regarding person who causes death, PS §1-201.

Scholarships.

- Children or surviving spouses of public safety officers killed in line of duty, ED §18-601.

Search warrants.

- Contents, CP §1-203.

Theft.

- Misdemeanor theft, citation, authorized to issue, CP §4-101.

Vehicle law.

- Enforcement beyond sworn jurisdiction prohibited, CP §2-102.

Workers' compensation.

- Average weekly wage.
 - Auxiliary police officer.
 - Baltimore county, LE §9-602.
 - Volunteer deputy sheriff of Cecil county, LE §9-602.

POLICE VEHICLES, TR §22-218.

Visual signals not required, TR §21-106.

INDEX

PORT ADMINISTRATION.

Police.

Authority granted police officers generally, CP §2-102.

Charging documents against law enforcement officers, CJ §2-608.

Definitions.

Police officer, CP §2-101.

Powers.

Granted to police officers generally, CP §2-102.

PORT FACILITIES.

Port wardens.

Municipal corporations, LG §5-208.

POSSESSION OF DESTRUCTIVE DEVICE, CR §4-503.

POSTMORTEM EXAMINERS.

Appeals.

Autopsies by medical examiners.
Refusal to correct findings and conclusions, HG §5-310.

Autopsies on fire fighters, HG §5-310.

Costs.

Autopsies by medical examiners.
Contested case hearings, HG §5-310.

Evidence.

Medical examiners.
Autopsies.
Retention, disposal, HG §5-310.

Fees.

Autopsies.
Fee for pathologist.
Chief medical examiner to set fee, HG §5-310.

Hearings.

Autopsies by medical examiners.
Refusal to correct findings and conclusions, HG §5-310.

Medical examiners.

Autopsies, HG §5-310.
Cause of death.
When cause of death established, HG §5-310.

Pathologists.

Autopsies.
Fee for pathologists, HG §5-310.

Religion.

Objections to autopsies, HG §5-310.

POWER BOOSTER SYSTEMS.

Motor vehicle equipment, TR §22-404.5.

PRERECORDED EMERGENCY MESSAGE.

Transmitting, CR §9-603.

PRESUMPTIONS.

Death.

Heart attack or stroke causing.
Death in performance of duties.
Public safety officers and employees, PS §1-202.

Health care decisions, HG §5-609.

PRESUMPTIONS —Cont'd

Heart attack.

Death in performance of duties.
Public safety officers and employees, PS §1-202.

Stroke.

Death in performance of duties.
Public safety officers and employees, PS §1-202.

Workers' compensation.

Covered employees and employers, LE §9-202.
Entitlement to compensation.
Occupational diseases.
Law enforcement and public safety officers, LE §9-503.

PRINCE GEORGE'S COUNTY.

Alcoholic beverages.

Audit of board of liquor license commissioners.
Performance audit, SG §2-1220.

Building code.

Agricultural buildings.
Exemption for buildings used for agritourism, PS §12-508.

Bumpers.

Height restrictions.
Alterations reducing effectiveness, TR §22-105.

Equipment.

Power booster systems.
Prohibited, TR §22-404.5.
Exceptions, TR §22-404.5.

Fire and explosive investigator.

Authority, CP §2-208.3.

Motor vehicles.

Parking.
Prohibited in certain places, TR §21-1003.

Rescue squads.

Workers' compensation.
Volunteer fire company or rescue squad.
Insurance coverage required, LE §9-402.

Schools.

County board of education.
Property.
Parking, TR §21-1003.

Workers' compensation.

Rescue squads.
Volunteer fire company or rescue squad.
Insurance coverage required, LE §9-402.

PRISONS AND PRISONERS.

Acquired immune deficiency syndrome (AIDS).

Corrections officers.
Notification of exposure to virus, HG §18-213.

Contagious diseases.

Correctional officers.
Notification of exposure, HG §18-213.

PRISONS AND PRISONERS —Cont'd

Correctional officers.

Arrest without a warrant, authority, CP §2-207.

Contagious diseases.

Notification of correctional officers to exposure, HG §18-213.

Notification of exposure to contagious disease, HG §18-213.

Scholarships.

Children or spouses of public safety employees killed in line of duty, ED §18-601.

Warrantless arrest, authority, CP §2-207.

Scholarships.

Correctional officers.

Children or spouses of public safety employees killed in line of duty, ED §18-601.

Workers' compensation.

Average weekly wage, LE §9-602.

PRIVATE SCHOOLS.

Fire drills, ED §7-408.1.

PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS AND INFORMATION.

Acquired immune deficiency syndrome (AIDS).

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Notification of exposure to virus.
Breach of patient confidentiality, HG §18-213.

Human immunodeficiency virus testing.
Confidentiality of records, HG §18-338.1.

Catastrophic health emergency disease surveillance and response program.

Information reported or disclosed to secretary, HG §18-904.

Contagious diseases.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Notification of exposure to contagious diseases.
Breach of patient confidentiality, HG §18-213.

Diphtheria.

Firefighters, medical and law enforcement personnel.

Notification of exposure.
Breach of patient's confidentiality, HG §18-213.

Fire insurance.

Disclosure of fire loss investigation reports, PS §9-604.

Immunity from criminal and civil liability, PS §9-605.

PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS AND INFORMATION —Cont'd

Health.

Center for the study of the health effects of fire.

Information collection confidential, HG §18-705.

Hemorrhagic fevers.

Medical and law enforcement personnel.

Notification of exposure.
Breach of patient's confidentiality, HG §18-213.

Hepatitis.

Medical and law enforcement personnel.

Notification of exposure.
Breach of patient's confidentiality, HG §18-213.

Human immunodeficiency virus.

Blood test.

Confidentiality of records, HG §18-338.1.
Health care workers and first responders, HG §18-338.3.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.

Notification of exposure to virus.
Breach of patient confidentiality, HG §18-213.

Motor vehicles.

Medical advisory board records, TR §16-118.

Physicians.

Contagious diseases.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers or correctional officers.

Notification of exposure of virus.
Breach of patient confidentiality, HG §18-213.

Property and casualty insurance.

Disclosure of fire loss investigation reports, PS §9-604.

Immunity from criminal and civil liability, PS §9-605.

Rabies.

Medical and law enforcement personnel.

Notification of exposure to virus.
Breach of patient's confidentiality, HG §18-213.

Tuberculosis.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers or correctional officers.

Notification of exposure to contagious disease or virus.
Breach of patient confidentiality, HG §18-213.

PROBABLE CAUSE.

Domestic abuse, warrantless arrest, CP §§2-204, 2-204.1.

PROBABLE CAUSE —Cont'd

Search warrants, finding required, CP §1-203.

Staking, warrantless arrest, CP §2-205.

Warrantless arrest.

Belief crime committed in officer's presence or felony committed, CP §2-202.

Belief that specified crimes committed, CP §2-203.

Domestic abuse, CP §§2-204, 2-204.1.

Fire marshal and assistants, authority, CP §2-208.

PROPANE GAS.

Motor vehicles.

Identification decals for propane fueled vehicles, TR §22-404.4.

PROPERTY AND CASUALTY INSURANCE.

Confidentiality of information.

Disclosure of fire loss investigation reports, PS §9-604.

Immunity from criminal and civil liability, PS §9-605.

Criminal law and procedure.

Disclosure of fire loss investigation reports. Violations, PS §9-606.

Fire departments.

Liability coverage for individuals assisting department, IN §19-105.

Fire insurance application act, IN

§§19-301 to 19-309.

See FIRE INSURANCE.

Fire investigations.

Disclosure of fire loss investigation reports, PS §§9-601 to 9-606.

Confidentiality of information, PS §9-604. Immunity from criminal and civil liability, PS §9-605.

Cooperation with fire investigator, PS §9-602.

Defined terms, PS §9-601.

Immunity from criminal and civil liability, PS §9-605.

Insurer's disclosures, PS §9-602.

Loss caused by incendiary means, PS §9-603.

Prohibited acts, PS §9-606.

Violations, PS §9-606.

Rescue squads.

Liability coverage for individuals assisting squads, IN §19-105.

PROPERTY TAXES.

Credits.

Law enforcement officers.

Spouse of fallen officer, TP §9-210.

Rescue workers.

Spouse of fallen rescue worker, TP §9-210.

Exemptions.

Fire departments.

Nonprofit incorporated fire company, TP §7-209.

PROPERTY TAXES —Cont'd

Exemptions —Cont'd

Rescue squad.

Nonprofit incorporated rescue squad, TP §7-209.

Fire department.

Property exemption.

Nonprofit incorporated fire company.

Property exempt, TP §7-209.

Law enforcement officers.

Credits.

Spouse of fallen officer, TP §9-210.

Rescue squads.

Nonprofit incorporated rescue squad.

Property exempt, TP §7-209.

Rescue workers.

Credits.

Spouse of fallen rescue worker, TP §9-210.

State property tax rate.

Certification of rate to meet debt service, waiver of tax, SF §7-121.

PUBLIC BUILDINGS AND GROUNDS.

Evacuation procedures, PS §§9-501 to 9-506.

Fire marshal.

Inspections, PS §6-307.

High-rise buildings, PS §§9-401 to 9-405.

Inspections.

Fire marshal, PS §6-307.

PUBLIC ETHICS.

Municipal ordinances.

Express powers of municipality to include ethics, LG §5-218.

PUBLIC INFORMATION.

Limitation of actions.

Actions under, CJ §5-110.

PUBLIC OFFICERS AND EMPLOYEES.

Monitoring or recording telephone conversations.

State personnel, CR §9-602.

Telephone conversations.

State personnel monitoring or recording, CR §9-602.

PUBLIC SAFETY AVIATION EMPLOYEES.

Defined, PS §1-202.

Killed or dies in performance of duties.

Death benefits, PS §1-202.

PUBLIC SAFETY SOLICITORS.

See CHARITIES.

PUBLIC UTILITIES.

Motor vehicles.

Emergency vehicles.

See EMERGENCY VEHICLES.

PUNITIVE DAMAGES.

Hazardous materials and substances, EN §7-266.1.

INDEX

PYROTECHNICS.

Explosives generally, PS §§11-101 to 11-118.

See EXPLOSIONS AND EXPLOSIVES.

Fireworks generally, PS §§10-101 to 10-210.

See FIREWORKS.

Q

QUARANTINE.

Catastrophic health emergency.

Directive issued by secretary, PS §14-3A-05.

Disease surveillance and response program.

Directive issued by secretary, hearings, discharge from employment prohibited, HG §18-906.

Governor's order, PS §14-3A-03.

Refusal to be tested or treated, PS §14-3A-04.

Municipal corporations.

Legislative authority, LG §5-209.

QUEEN ANNE'S COUNTY.

Fire department.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

R

RABIES.

Exposure notification, HG §§18-213 to 18-213.2.

RACIAL MINORITIES.

Hate crimes, CR §§10-301 to 10-308.

R. ADAMS COWLEY SHOCK TRAUMA CENTER, ED §13-514.

RADIATION.

Catastrophic health emergency.

Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

Emergency management.

Radiological emergency response plan.

Local emergency plans, PS §14-110.

RADIO AND TELEVISION.

Driving while television-type receiving equipment turned on, TR §22-414.

Statewide interoperability radio control board, PS §§1-501 to 1-503.

RAFFLES, CR §12-106.

Acceptance of credit to play gaming event.

Prohibition, CR §12-108.

Charitable organizations, CR §12-106.

Political committee or candidate for public office, CR §12-106.

RAILROAD CARS.

Arson and burning, CR §§6-101 to 6-111.

RAILROADS.

Arson and burning.

Railroad cars, CR §§6-101 to 6-111.

Crossings.

Warning signals.

Interference with prohibited, TR §21-206.

Damages.

Safety strips.

Compliance with subheading not bar to recovery of damages, NR §5-712.

Damage to property owner prohibited, NR §5-707.

Fines.

Signs and signals.

Interference with prohibited, TR §21-206.

Fire hazards.

Abatement.

See FORESTS AND PARKS.

Forests and parks.

Fire hazards.

Abatement.

General provisions, NR §§5-707 to 5-714.

Motor vehicles.

Grade crossings.

Parking within 50 feet of, TR §21-1003.

Signs and signals.

Interference with prohibited, TR §21-206.

Penalties.

Signs and signals.

Interference with prohibited, TR §21-206.

Safety strips.

Fire hazard abatement.

General provisions, NR §§5-707 to 5-714.

Signs and signals.

Interference with prohibited, TR §21-206.

RECIPROCITY.

Elevators.

License examinations.

Reciprocal waiver of requirements, PS §12-830.

RECORDATION.

Corporations.

Fees.

Exemption for certain entities, CA §1-203.1.

Exemption of volunteer fire companies and rescue squads, CA §1-203.1.

Rural legacy program.

Easements, NR §5-9A-05.

RECORDS.

Charities.

Financial records.

Grossly negligent violations.

Criminal penalty, BR §6-619.

Willful violations.

Criminal penalty, BR §6-619.

District Court.

Destruction of pleadings, papers and files, CJ §1-605.

General provisions, CJ §1-605.

RECORDS —Cont'd**Elevators.**

Required, PS §12-813.

Explosives.

Manufacturers and dealers, PS §11-112.

Motor vehicles.

Administration.

Certified copies, TR §12-113.

Admissibility in judicial proceedings,
TR §12-113.

Subpoenas.

Compliance, TR §12-113.

Medical advisory board, TR §16-118.

RED CROSS.**Motor vehicles.**

Excise tax on certificates of title.

Exemption, TR §13-810.

Registration.

Exemption from registration fees, TR
§13-903.

RELIGION.**Autopsies.**

Objections based on religious grounds, HG
§5-310.

Corporations.

Nonstock corporations.

Assets subject to charitable or other
restrictions, CA §5-702.

Damaging property of religious entity.

Hate crime, CR §10-302.

Freedom of religion.

Obstructing free exercise of religious
beliefs.

Hate crime, CR §10-303.

Hate crimes, CR §§10-301 to 10-308.**Postmortem examiners.**

Objections to autopsies, HG §5-310.

Religious grounds, HG §5-310.

RELIGIOUS DISCRIMINATION.**Hate crime.**

Damaging property of religious entity, CR
§10-302.

RELIGIOUS ORGANIZATIONS.**Hate crime to damage property of**

religious entity, CR §10-302.

RELIGIOUS SCHOOLS.**Hate crime.**

Damaging property of religious entity, CR
§10-302.

REPORTS.**Baltimore City fire department.**

Fire prevention commission and fire
marshal, PS §6-403.

Catastrophic health emergency disease

surveillance and response program.
Methods, limitation on use, confidentiality,
HG §18-904.

Secretary's report, HG §18-908.

Charities.

Fee for failure to file, BR §6-407.

REPORTS —Cont'd**Emergency management advisory**

council.

Annual reports, PS §14-105.

Explosives.

Explosives for use in firearms.

Failure to file, PS §11-115.

Investigations of explosions and fires, PS
§11-104.

Manufacturers and dealers, PS §11-112.

Theft of explosives, PS §11-113.

Fire insurance.

Disclosure of fire loss investigation reports,
PS §§9-601 to 9-606.

Fire marshal.

Baltimore City fire department, PS §6-403.

Investigations, PS §6-312.

Investigations of explosions and fires, PS
§11-104.

Fire prevention commission.

Annual report, PS §6-205.

Baltimore City fire department, PS §6-403.

Forests and parks.

Forest fires, NR §5-704.

Motor vehicles.

Disorders or disabilities that would affect
driving, TR §16-119.

911 emergency telephone system.

Cybersecurity standards for public safety
answering points, PS §1-309.1.

Senator William H. Amoss fire, rescue

and ambulance fund, PS §8-105.

Volunteer company assistance fund, PS

§8-206.

RESCUE SQUADS.**AIDS.**

Notification of rescue squadmen of exposure
to virus, HG §18-213.

Charitable contributions.

Public safety solicitors.

See CHARITIES.

Contagious diseases.

Notification of rescue squadmen of exposure
to contagious diseases, HG §18-213.

Corporations.

Provision of fire, ambulance and rescue
services by for-profit entities, PS
§7-401.

Volunteer rescue squads.

Recordation.

Fees.

Exemption, CA §1-203.1.

Criminal history records checks.

Firefighters, rescue squad members and
paramedics, PS §6-306.

Criminal law and procedure.

Impersonating firefighters or emergency
services personnel, PS §7-402.

Interference with or obstruction of
emergency assistance, PS §7-402.

Death in the line of duty.

Death benefits, PS §1-202.

RESCUE SQUADS —Cont'd

Death in the line of duty —Cont'd

Reward for information regarding person who causes death, PS §1-201.

Diphtheria.

Notification of exposure, HG §§18-213 to 18-213.2.

Emergency vehicles.

See EMERGENCY VEHICLES.

False alarms, CR §9-604.

False impersonations.

Impersonating firefighters or emergency services personnel, PS §7-402.

Fingerprinting.

Criminal history record checks, PS §6-306.

Fire, rescue and emergency services workers day.

Annual proclamation by governor, GP §7-410.

Fire-rescue education and training commission.

Standards for instructors, COMAR 13B.03.01.

Fire service technology.

Tuition.

Reimbursement of rescue squadmen for tuition, ED §18-603.

For-profit entities.

Provision of fire, ambulance and rescue services by for-profit entities, PS §7-401.

Funds.

Senator William H. Amoss fire, rescue and ambulance fund, PS §§8-101 to 8-106.

Volunteer company assistance fund, PS §§8-201 to 8-206.

Good Samaritan law.

Immunity from liability, CJ §§5-603, 5-604.

Heart attack.

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

Hemorrhagic fevers.

Notification of exposure, HG §§18-213 to 18-213.2.

Hepatitis.

Exposure to.

Notification, HG §§18-213 to 18-213.2.

Human immunodeficiency virus.

Notification of rescue squadmen of exposure to virus, HG §18-213.

Immunity.

Good Samaritan law, CJ §§5-603, 5-604.

Income tax, subtractions from federal adjusted gross income, TG §10-208.

Inspections by local fire departments.

Obstructing prohibited, PS §9-803.

Insurance.

Group life insurance for rescue squad organizations, IN §17-208.

Liability insurance of individuals assisting squads, IN §19-105.

RESCUE SQUADS —Cont'd

Interference with or obstruction of emergency assistance, PS §7-402.

Liability.

Immunity from civil liability for acts or omissions in course of duties, CJ §§5-603, 5-604.

Medicaid.

Reimbursement for emergency service transporters, HG §15-114.1.

Meningitis.

Exposure to.

Notification of rescue squadmen, HG §18-213.

Mononucleosis.

Exposure to.

Notification of rescue squadmen, HG §18-213.

Motor vehicles.

Excise tax on certificates of title.

Exemptions, TR §13-810.

Lights.

Oscillating, blinking, etc., lights on certain vehicles, TR §22-218.

Seat belts or restraining devices in emergency vehicles, TR §22-412.4.

Mutual aid agreements, PS §§7-101 to 7-107.

Construction and interpretation, PS §7-102.

Defined terms, PS §7-101.

Emergency response measures.

Training, PS §7-105.

Expenditures, PS §7-107.

Federal government, PS §7-104.

Other states and entities of other states, PS §7-103.

Workers' compensation benefits.

Line of duty, PS §7-106.

Negligence.

Good Samaritan law.

Immunity from civil liability, CJ §§5-603, 5-604.

911 emergency telephone system, PS §§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Property tax credits.

Spouse of fallen rescue worker, TP §9-210.

Rabies.

Notification of exposure, HG §§18-213 to 18-213.2.

Reward.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

Scholarships.

Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

Children or surviving spouses of public safety employees killed in line of duty, ED §18-601.

RESCUE SQUADS —Cont'd**Stroke.**

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

Taxation.

Nonprofit incorporated rescue squad.

Property exempt, TP §7-209.

Training.

Emergency response measures.

Mutual aid agreements, PS §7-105.

Tuberculosis.

Exposure to tuberculosis.

Notification of rescue squadmen, HG §18-213.

Vessels and boats.

Rescue vessels.

Flashing red and yellow lights or signal devices.

Use, NR §8-727.1.

Misdemeanors.

Violations of section by operators, NR §8-727.1.

Volunteer company assistance fund, PS

§§8-201 to 8-206.

Volunteer firemen and rescue squadmen.

See FIRE DEPARTMENT.

Waiver.

Immunity from civil liability.

Waiver of immunity in certain cases, CJ §5-604.

Workers' compensation.

Mutual aid agreements.

Line of duty, PS §7-106.

Occupational diseases.

Statutory presumption for first responders, LE §9-503.

Volunteer fire company or rescue squad.

Insurance coverage.

Coverage required, LE §9-402.

RESIDENTIAL TREATMENT CENTERS.**Emergency management plan, PS**

§14-110.1.

RESTITUTION.**Charities.**

Grossly negligent violations, BR §6-619.

Destructive device violations, CR §4-503.**False statement or rumor concerning destructive device or toxic material, CR §9-504.****RETALIATION.****Law enforcement officers and personnel.**

Rights of officers generally, PS §3-103.

RETURN OF SEIZED PROPERTY.**Property seized pursuant to search warrant, CP §1-203.****REWARD.****Ambulances.**

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

REWARD —Cont'd**Death in the line of duty.**

Public safety officers and personnel.

Reward for information regarding person who causes death, PS §1-201.

Emergency medical technicians.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

Fire fighters.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

Law enforcement officers.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

Public safety.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

RIGHTFULLY SEIZED PROPERTY.**Return.**

Property seized pursuant to search warrant, CP §1-203.

RIGHT OF ENTRY.**Explosives.**

Fire marshal.

Investigations of explosions and fires, PS §11-104.

Fire companies.

Private water sources.

Right to enter private property to obtain water, PS §7-403.

Flammable substances.

Flammable products act.

Inspections, HG §22-403.

Forests and parks.

Railroads.

Safety strips, NR §5-708.

Open air burning, investigating, NR

§5-720.

Sanitary commissions.

Authority of commission, EN §9-663.

RIGHT TO KNOW.**Hazardous substance information access.**

Occupational safety and health, LE §§5-401 to 5-410.

ROBBERY ALARMS.**Audible systems.**

Equipped to automatically silence, CR §9-611.

Defective system.

Notice to user, use after notice, CR §9-610.

Definitions, CR §9-607.**False alarms, CR §9-608.**

Multiple alarms, CR §9-609.

RULES AND REGULATIONS.**Center for the study of the health effects of fire, HG §18-711.**

INDEX

RURAL LEGACY PROGRAM.

Applications for designation of area, NR
§5-9A-05.

**Condemnation authority of state or local
government limited, NR** §5-9A-05.

Development rights.

Purchase as part of easement, NR §5-9A-05.
Transferable development rights programs,
NR §5-9A-05.

Easements.

Nature and scope, NR §5-9A-05.
Purchase of development rights as part of
easement, NR §5-9A-05.
Recordation, NR §5-9A-05.

Historic sites or archaeological areas.

Protection, NR §5-9A-05.

Land trusts.

Applications by, NR §5-9A-05.

Mineral rights.

Reservation, NR §5-9A-05.

Recordation.

Easements, NR §5-9A-05.

**Transferable development rights
programs, NR** §5-9A-05.

S

SAFE HAVEN FOR INFANTS ACT, CJ
§5-641.

SAFETY.

Appeals.

Death in the line of duty, PS §1-202.

Building codes generally.

See BUILDING CODES.

Death in the line of duty.

Death benefits, PS §1-202.
Reward for information regarding person
who causes death, PS §1-201.

Elevator safety, PS §§12-801 to 12-842.

See ELEVATORS.

Fireworks plants.

Safety standards for buildings, PS §10-207.

Flag benefits.

Death in the line of duty, PS §1-202.

Maryland first.

Statewide interoperability radio control
board, PS §§1-501 to 1-503.

Municipal corporations.

Public safety, LG §5-207.
Safety, health and general welfare,
expenditures for, LG §5-205.

911 emergency telephone system, PS §§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE
SYSTEM.

Reward.

Death in the line of duty.
Reward for information regarding person
who causes death, PS §1-201.

**Statewide interoperability radio control
board, PS** §§1-501 to 1-503.

ST. MARY'S COUNTY.

Building code.

Agricultural buildings.
Exemption for buildings used for
agritourism, PS §12-508.
Electrical code.
Homeowner installation of electrical
wiring, PS §12-615.

Community colleges.

Parking.
May be prohibited, TR §21-1003.

Noise control.

Trapshooting, skeet shooting, etc.
Limitations on authority, EN §3-401.

Schools.

County board of education.
Property.
Parking, TR §21-1003.

Trapshooting, skeetshooting or other target shooting.

Environmental sound level limits and noise
control rules and regulations, EN
§3-401.

SALARIES.

**Emergency management advisory
council, PS** §14-105.

**Maryland emergency management
agency (MEMA).**

Director, PS §14-104.

SALES.

Explosives.

Employees of businesses that use
explosives, PS §11-110.
Explosives for use in firearms.
Penalties for violations, PS §11-115.
Sales to unlicensed persons, PS §11-114.

Fireworks.

Sparklers, PS §10-112.
Registration of distributors and
wholesalers, PS §10-113.
Unlawful sale, PS §10-110.
Penalties, PS §10-111.
Sparklers, PS §10-112.

Tax sales.

Real property.
Disclosure requirements.
Single family dwellings, RP §10-702.
Sparklers.
Registration of distributors and
wholesalers, PS §10-113.

SALES AND USE TAX.

Definitions.

Food, TG §11-206.

Distribution of revenue.

Dorchester county economic development
fund, TG §2-1303.

Exemptions.

Food, TG §11-206.
Food sold by certain organizations, TG
§11-206.

SALES AND USE TAX —Cont'd

Exemptions —Cont'd

Interstate commerce.

Food.

Sale in interstate commerce, TG §11-206.

Food.

Exemptions, TG §11-206.

Interstate commerce.

Exemptions.

Food, TG §11-206.

Motor fuel tax.

Sales and use tax equivalent rate, addition to fuel tax rate, TG §9-306.

Refunds.

Claim for refund, TG §13-901.

Religion.

Exemptions.

Food.

Sale by certain organizations, TG §11-206.

Snack food.

Not included in food exemption, TG §11-206.

Vending machines.

Exemption of certain food sales, TG §11-206.

Veterans' organizations.

Exempt organizations, TG §11-204.

SANITARY COMMISSIONS.

Disconnection of water supply.

Violations of order, EN §9-663.

Districts.

Fire hydrants.

Jurisdiction of commissions, EN §9-663.

Water use.

Control of commission, EN §9-663.

Fire hydrants.

Jurisdiction of commission, EN §9-663.

Inspections.

Right of entry.

Authority of commission, EN §9-663.

Notices.

Water conservation orders, EN §9-663.

Penalties, EN §9-699.

Prohibited acts, EN §9-699.

Prohibited acts, EN §9-699.

Right of entry.

Authority of commission, EN §9-663.

Violations, EN §9-699.

Water conservation orders, EN §9-663.

Water use.

Control, EN §9-663.

SCHOLARSHIPS.

Ambulance companies or squads.

Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

Scholarships for children or spouses of public safety employees killed in line of duty, ED §18-601.

SCHOLARSHIPS —Cont'd

Charles W. Riley fire and emergency medical services tuition

reimbursement program, ED §18-603.

Charles W. Riley firefighter and

ambulance and rescue squad member

scholarship fund, ED §18-603.1.

Correctional officers.

Children or spouses of public safety employees killed in line of duty, ED §18-601.

Definitions, ED §18-101.

Scholarships for prisoners of war, children of certain veterans and children or spouses of public safety employees, ED §18-601.

Edward T. Conroy memorial scholarship program.

Scholarships for prisoners of war, children of certain veterans and children or spouse of public safety employees, ED §18-601.

Firemen.

Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

Children or surviving spouses of public safety employees killed in line of duty, ED §18-601.

Reimbursement of firemen and rescue squadmen for tuition costs of programs, ED §18-603.

Fire service technology.

Reimbursement of firemen and rescue squadmen for tuition required for courses, ED §18-603.

Institutions eligible under program, ED §18-103.

Law enforcement personnel.

Children or surviving spouses of public safety employees killed in line of duty, ED §18-601.

Military services.

Prisoners of war or children of certain veterans, ED §18-601.

National guard members.

Children or surviving spouses of public safety employees killed in line of duty, ED §18-601.

Police.

Children or surviving spouses of public safety officers killed in line of duty, ED §18-601.

Prisoners of war, ED §18-601.

Rescue squads.

Charles W. Riley firefighter and ambulance and rescue squad member scholarship fund, ED §18-603.1.

Children or surviving spouses of public safety employees killed in line of duty, ED §18-601.

Richard W. Collins III leadership with honor scholarship program, ED §18-605.

INDEX

SCHOLARSHIPS —Cont'd

September 11, 2001.

Children or surviving spouses of victims of Sept. 11, 2001 terrorist attacks, ED §18-601.

Terrorism.

Children or surviving spouses of victims of Sept. 11, 2001 terrorist attacks, ED §18-601.

Veterans.

Afghanistan and Iraqi conflicts, ED §18-604.

Prisoners of war or children of certain veterans, ED §18-601.

Widows and widowers.

Surviving spouses of public officers killed in line of duty, ED §18-601.

SCHOOL BUSES.

Lights.

Alternately flashing warning lights. Regulations, TR §22-218.

SCHOOLS.

Audit.

Office of legislative audits.
Local school systems, SG §2-1220.

Automated external defibrillator programs, ED §7-425.

Buildings.

Emergency power and lighting systems, PS §12-702.

Buses.

Interfering with driver during operation, ED §26-104.

Lights.
Alternately flashing warning lights. Regulations, TR §22-218.

Obstructing driver during operation, ED §26-104.

County superintendents.

Fire drills.
Requirements, ED §7-408.

Crimes and offenses.

Commission by principal in course of duty.
Filing charges against, CJ §2-608.
Commission by teacher in course of duty.
Filing charges against, CJ §2-608.

Crossing guards.

Authority to direct traffic, TR §21-107.

Fire drills, ED §7-408.

Report to superintendent of schools, ED §7-408.

Requirements, ED §§7-408, 7-408.1.

Fire-rescue education and training commission, ED §§11-501 to 11-503.

Definitions, ED §11-501.

Duties, ED §11-503.

Established, ED §11-502.

Members, ED §11-502.

Officers, ED §11-502.

Staff services, ED §11-503.

SCHOOLS —Cont'd

Motor vehicles.

Lights.

Alternately flashing warning lights. Regulations, TR §22-218.

Nonpublic schools.

Hate crime.

Damaging property of religious school, CR §10-302.

Principals.

Criminal offense committed in course of duty.

Filing charges against, CJ §2-608.

Programs.

Automated external defibrillator programs, ED §7-425.

Teachers.

Criminal offense committed in course of duties.

Filing charges, CJ §2-608.

Workers' compensation.

Average weekly wage.

Disabled student, LE §9-602.

SEALING OF AFFIDAVITS.

In support of application for search warrant, CP §1-203.

SEARCHES AND SEIZURES.

Application for return of seized property, CP §1-203.

Cigarettes.

Fire safety performance standards for cigarettes.

Noncomplying cigarettes.

Seizure, destruction and inspection, BR §16-610.

Federal law enforcement officers, powers, CP §2-104.

Fire marshal.

Administrative search warrants, PS §§6-315, 6-316.

Fire safety performance standards for cigarettes.

Noncomplying cigarettes.

Seizure, destruction and inspection, BR §16-610.

Hazardous materials and substances.

Administrative search warrants, EN §7-256.1.

Property taken, return, CP §1-203.

Return of seized property, CP §1-203.

Rightfully taken property, return, CP §1-203.

Time for making search authorized by warrant, CP §1-203.

Warrants.

Hazardous materials and substances.

Administrative search warrants, EN §7-256.1.

Wrongfully taken property, return, CP §1-203.

SEARCH WARRANTS.

Affidavit to accompany application, CP
§1-203.

Sealing, CP §1-203.

Application, CP §1-203.

Authority of warrant, CP §1-203.

**Federal law enforcement officers,
execution, CP §2-104.**

Issuance generally, CP §1-203.

Particularity required, CP §1-203.

Persons to direct to, CP §1-203.

Probable cause required to issue, CP
§1-203.

**Sealing affidavit in support of
application, CP §1-203.**

**Time limit on searching and seizing
under authority of warrant, CP**
§1-203.

**Void after expiration of time limit for
making search, CP §1-203.**

SEAT BELTS.

Definitions.

Emergency vehicles, TR §22-412.4.

Emergency vehicles, TR §22-412.4.

Required.

Emergency vehicles, TR §22-412.4.

SECURITY GUARDS.

Fireworks plants.

Safety standards, PS §10-207.

SECURITY SYSTEMS.

Fire prevention code.

Visual obscuration systems associated with
security or burglar alarm systems,
prohibited, COMAR 29.06.01.16.

SELF DEFENSE.

Domestic abuse, mutual battery.

Considered in determining whether to
arrest, CP §2-204.

**SENATOR WILLIAM H. AMOSS FIRE,
RESCUE AND AMBULANCE FUND,
PS §§8-101 to 8-106.**

**Accounting of money distributed to
counties, PS §8-104.**

Administration, PS §8-102.

Allocation and distribution of money, PS
§§8-103, 8-104.

Defined terms, PS §8-101.

Established, PS §8-102.

Failure to comply with subtitle, PS
§8-106.

**Maintenance of effort requirement,
waiver, PS §8-104.**

Matching state money, PS §8-104.

Payments, PS §8-102.

Allocation and distribution of money, PS
§8-103.

Purposes, PS §8-102.

Reports, PS §8-105.

Reversion of withheld money.

Failure to comply with subtitle, PS §8-106.

**SENATOR WILLIAM H. AMOSS FIRE,
RESCUE AND AMBULANCE FUND
—Cont'd**

Secretary.

Defined, PS §8-101.

Undistributed money.

Allocation generally, PS §8-104.

Use of state money, PS §8-102.

Failure to comply with subtitle, PS §8-106.

Uses and expenditures, PS §8-104.

Failure to comply with subtitle, PS §8-106.

SENTENCE AND PUNISHMENT.

Burning with intent to defraud.

Separate sentence, consecutive or
concurrent sentences, CR §6-106.

Catastrophic health emergency.

Maximum penalties, PS §14-3A-08.

Destructive device violations.

Separate sentence, concurrent or
consecutive sentences, CR §4-503.

**SEPTEMBER 11, 2001 TERRORIST
ATTACKS.**

Scholarships.

Children or surviving spouses of victims of
Sept. 11, 2001 terrorist attacks, ED
§18-601.

SERVICE OF PROCESS.

Fire marshal.

Abatement orders, PS §6-319.

SHERIFFS.

**Authority granted police officers
generally, CP §2-102.**

**Charging documents against law
enforcement officers, CJ §2-608.**

Death in the line of duty.

Death benefits, PS §1-202.

Property tax credits.

Spouse of fallen officer, TP §9-210.

Reward for information regarding person
who causes death, PS §1-201.

Definitions.

Police officer, CP §2-101.

Deputies.

Fire company members appointed as, PS
§§7-301 to 7-304.

Commanding officer defined, PS §7-301.

Counties designated, PS §§7-302, 7-303.

Powers, PS §§7-302, 7-303.

**Firefighters appointed as deputy sheriffs,
PS §§7-301 to 7-304.**

Commanding officer.

Defined, PS §7-301.

Counties designated, PS §§7-302, 7-303.

Powers, PS §§7-302, 7-303.

Montgomery county.

Deputy sheriff.

Entitlement to workers' compensation.

Statutory presumption for occupational
diseases, LE §9-503.

911 emergency telephone system, PS
§§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE
SYSTEM.

INDEX

SHERIFFS —Cont'd

Powers.

Granted to police officers generally, CP §2-102.

Property taxes.

Credits.

Spouse of fallen officer, TP §9-210.

Reward.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

SHOOTING.

Noise control.

Trapshooting, skeet shooting or target shooting.

Limitations on authority within certain counties, EN §3-401.

SIGNS.

Building codes.

Exit signs.

Buildings with three or more floors, PS §12-701.

Elevators.

Warning signs in case of fire, PS §12-815.

Exit signs.

Buildings with three or more floors, PS §12-701.

Ground-based sparkling devices, COMAR 29.06.07.15.

SIRENS.

Emergency vehicles, TR §§22-218, 22-401.

SMALLPOX.

Catastrophic health emergency.

Disease surveillance and response program, HG §§18-901 to 18-908.

See CATASTROPHIC HEALTH EMERGENCY.

Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

See HEALTH EMERGENCIES.

SMOKE DETECTORS, PS §§9-101 to 9-109.

Battery or electric power.

Requirements, PS §9-104.

Sales of battery-operated alarms, PS §9-106.1.

Use of battery-operated alarms, PS §9-106.

Building permit applicant

responsibilities, PS §9-106.

Carbon monoxide alarm combined with, PS §9-106.

Criminal law and procedure.

Violations, PS §9-109.

Deaf and hard of hearing.

Sale to or installation of.

State fire prevention code, PS §9-105.

Definitions, PS §9-101.

Enforcement of requirements, PS §9-106.

Fines.

Violations, PS §9-109.

Fire marshal.

Smoke detection installation orders, PS §9-108.

SMOKE DETECTORS —Cont'd

General requirements, PS §9-104.

Insurance.

Failure to comply as defense in property insurance claim, PS §9-107.

Removal or tampering with, PS §9-106.

Requirements, PS §9-104.

Sleeping areas, required in, PS §9-102.

New construction, PS §9-103.

Smoke detection installation orders, PS §9-108.

Testing requirements, PS §9-106.

Violations, PS §9-109.

SMOKE SCREENS.

Fire prevention code.

Visual obscuration systems associated with security or burglar alarm systems, prohibited, COMAR 29.06.01.16.

SNOW AND ICE.

Emergency management.

See EMERGENCY MANAGEMENT.

Municipal corporations.

Sidewalks, cleaning, legislative authority, LG §5-217.

SOLAR ENERGY.

Building codes.

Solar photovoltaic systems.

Lockout tags, PS §12-705.

SOLICITATIONS.

Fraudulent fundraising.

Campaigns to benefit police, fire departments or public safety officers, CR §8-520.

SOMERSET COUNTY.

Building code.

Agricultural buildings.

Exemption for buildings used for agritourism, PS §12-508.

Fire department.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

SORORITIES.

Sprinkler systems, PS §§9-201 to 9-206.

SOVEREIGN IMMUNITY.

Motor vehicles.

Operating vehicle not covered by required security, TR §17-107.

SPACE HEATERS.

Ground-based sparkling devices.

Temporary heating sources, COMAR 29.06.07.12.

Kerosene-fired heaters.

Manufacturer's warning label, CL §14-1310.

Sale and use, COMAR 29.06.01.14.

Use of unvented heaters, CL §14-1310.

SPARKLERS.

Ground-based sparkling devices, COMAR 29.06.07.

Applicability, COMAR 29.06.07.02.

INDEX

SPARKLERS —Cont'd

Ground-based sparking devices —Cont'd

- Definitions, COMAR 29.06.07.03.
- Displays, COMAR 29.06.07.07.
- Distributors.
 - Registration, COMAR 29.06.07.04.
- Fire protection, COMAR 29.06.07.08.
- Generators, COMAR 29.06.07.13.
- Means of egress, COMAR 29.06.07.09.
- Penalties, COMAR 29.06.07.17.
- Personnel, COMAR 29.06.07.14.
- Purpose, COMAR 29.06.07.01.
- Quantities, COMAR 29.06.07.06.
- Sales and storage, COMAR 29.06.07.05.
- Scope of chapter, COMAR 29.06.07.02.
- Signs, COMAR 29.06.07.15.
- Sources of ignition, COMAR 29.06.07.10.
- Temporary heating sources, COMAR 29.06.07.12.
- Wholesalers.
 - Registration, COMAR 29.06.07.04.

Registration of distributors and wholesalers, PS §10-113.

Sales, PS §10-112.

SPECIAL OLYMPICS.

Medals and prizes.

- Income tax, subtractions from federal adjusted gross income, TG §10-207.

SPEED RESTRICTIONS FOR MOTOR VEHICLES.

Local authorities.

- Powers, TR §25-102.

SPRINKLER SYSTEMS.

Automatic fire extinguishing systems.

- Specified buildings, PS §9-503.

Conflict of laws.

- More stringent local laws, PS §9-202.
 - Fast response residential systems, PS §9-301.

Criminal law and procedure.

- Fire sprinkler contractor licensing.
 - Violations, PS §9-905.
- Violations, PS §9-206.

Defined terms, PS §9-201.

Effect of subtitle, PS §9-202.

Enforcement, PS §9-203.

- Violations, PS §9-206.

Exceptions.

- Authority to grant, PS §9-205.

Fast response residential systems, PS §§9-301 to 9-306.

- Conflict of laws.
 - More stringent local laws, PS §9-301.
- Enforcement, PS §9-302.
- Installation.
 - Costs, PS §9-305.
 - Required, PS §9-303.
- Requirements for system, PS §9-304.
- Scope, PS §9-301.
- Violations, PS §9-306.

Fines.

- Fire sprinkler contractor licensing.
 - Violations, PS §9-905.

SPRINKLER SYSTEMS —Cont'd

Fines —Cont'd

- Violations, PS §9-206.

Fire marshal.

- Enforcement, PS §9-203.
- Fire sprinkler contractor licensing.
 - Duties, PS §9-904.

Fire prevention commission.

- Fire sprinkler contractor licensing.
 - Duties, PS §9-902.

High-rise buildings.

- Required, PS §9-403.

Installation.

- Required, PS §9-204.
 - Fast response residential systems, PS §9-303.

Licenses.

- Fire sprinkler contractor licensing.
 - Defined, PS §9-901.
 - Exceptions, PS §9-903.
- Fire marshal.
 - Duties, PS §9-904.
- Fire prevention commission.
 - Duties, PS §9-902.
- Required, PS §9-903.
- Violations, PS §9-905.

Required, PS §9-204.

- High-rise buildings, PS §9-403.

Standards, PS §9-204.

Violations, PS §9-206.

STABLES.

Arson and burning, CR §§6-101 to 6-111.

STALKING.

Arrest.

- Warrantless arrest, CP §2-205.

Probable cause, warrantless arrest, CP §2-205.

Warrantless arrest, CP §2-205.

STATE FIRE PREVENTION

COMMISSION, PS §§6-201 to 6-207.

See FIRE PREVENTION COMMISSION.

STATE FLAG.

Fire, rescue and emergency services workers day.

- State flag flown at half-staff, GP §7-410.

STATE OF EMERGENCY.

Declaration by another state, PS §14-108.

Governor's powers.

- Authority to declare, PS §14-107.

Local state of emergency, PS §14-111.

STATE PERSONNEL.

Compensation.

- Hazardous duty pay, SPP §8-202.
- Special pay provisions, SPP §§8-201, 8-202.

Pay plans.

- Hazardous duty pay, SPP §8-202.
- Shift differential pay, SPP §8-201.

Special pay provisions, SPP §§8-201, 8-202.

STATE POLICE.

Authority granted police officers generally, CP §2-102.

STATE POLICE —Cont'd

Charging documents against law enforcement officers, CJ §2-608.

Death in the line of duty.

Death benefits, PS §1-202.

Property tax credits.

Spouse of fallen officer, TP §9-210.

Reward for information regarding person who causes death, PS §1-201.

Definitions.

Police officer, CP §2-101.

Law enforcement procedures generally.

See POLICE.

Motor vehicles.

Television equipment, TR §22-414.

911 emergency telephone system, PS §§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Powers.

Granted to police officers generally, CP §2-102.

Property taxes.

Credits.

Spouse of fallen officer, TP §9-210.

Reward.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

STATE POLICE DEPARTMENT.

Civilian employees.

Defined, PS §2-101.

Creation, PS §2-201.

Defined terms, PS §2-101.

Established, PS §2-201.

Fire marshal.

Departmental units enumerated, PS §2-207.

Generally, PS §§6-301 to 6-322.

See FIRE MARSHAL.

Fire prevention commission.

Departmental units enumerated, PS §2-207.

Generally, PS §§6-201 to 6-207.

First Amendment.

Investigations involving the exercise of First Amendment activities.

Covert investigations and criminal intelligence, COMAR 29.08.01.

Rank.

Commissioned rank.

Defined, PS §2-101.

Defined, PS §2-101.

Noncommissioned rank.

Defined, PS §2-101.

Rules and regulations.

Fire prevention commission, PS §6-206.

Secretary.

Defined, PS §2-101.

Units, PS §2-207.

STATE'S ATTORNEYS.

Educators.

Charging documents for criminal offense during course of duty, CJ §2-608.

STATE'S ATTORNEYS —Cont'd

Forests and parks.

Fires.

Enforcement of provisions of subtitle, NR §5-706.

Law enforcement personnel.

Charging documents against law enforcement officers.

Application for statement of charges forwarded to, CJ §2-608.

Duties, CJ §2-608.

Principals.

Charging documents for crime committed in course of duty, CJ §2-608.

Teachers.

Charging documents for criminal offense during course of duty, CJ §2-608.

STATE TAX ON PROPERTY.

Certification of rate to meet debt service, waiver of tax, SF §7-121.

STATUTE OF LIMITATIONS.

Burning with intent to defraud, CR §6-106.

Public information act.

Actions under, CJ §5-110.

Two-year period.

Public information act.

Actions under, CJ §5-110.

STEEL.

Building codes.

Structural iron or steel.

Beams or girders with studs or reinforcing shear connectors, PS §12-704.

Temporary fastening devices.

Use of "clip-type" connectors prohibited, PS §12-703.

STORAGE.

Fireworks plants.

Unauthorized storage, PS §10-210.

STOVES.

Consumer protection.

Sale, distribution or installation of new hand-fired heating stoves.

Enforcement of section, CL §14-1309.

Instructions required, CL §14-1309.

Ground-based sparkling devices.

Temporary heating sources, COMAR 29.06.07.12.

Kerosene-fired heaters.

Use of unvented portable kerosene-fired heaters, CL §14-1310.

Sale and use, COMAR 29.06.01.14.

STREETS AND ALLEYS.

Sidewalks.

Motor vehicles.

Stopping, standing or parking on sidewalks, TR §21-1003.

Municipal corporations.

Cleaning, legislative authority, LG §5-217.

STRETCHERS.

Elevators.

New elevators to accommodate rescue litters, PS §12-816.

STROKE.

Law enforcement officers, correctional officers, firefighters, etc.

Death benefits.

Death as result of personal injury in performance of duties.

Presumption, PS §1-202.

STUDENT FINANCIAL ASSISTANCE.

Definitions, ED §18-101.

Eligible institutions, ED §18-103.

Income tax.

Adjusted gross income of individuals.

Student loan debt, subtraction from federal adjusted gross income, TG §10-207.

Public safety personnel.

Scholarships, ED §§18-601 to 18-604.

SUBPOENAS.

Fire marshal.

Authority to take testimony, PS §6-310.

Motor vehicles.

Records of administration, TR §12-113.

SUICIDE.

Assisted suicide, CR §§3-101 to 3-104.

Definitions, CR §3-101.

Exceptions, CR §3-103.

Family care giver.

Exception, CR §3-103.

Generally, CR §3-102.

Palliative care, pain relief.

Exception, CR §3-103.

Penalty, CR §3-104.

Withholding life sustaining procedures.

Exception, CR §3-103.

Attempted suicide, decriminalization, CR §3-101.1.

SULPHURIC ACID.

Possession of destructive device, CR §§4-501 to 4-503.

SUMMONS AND PROCESS.

Subpoenas.

Motor vehicles.

Records of administration.

Certified copies, TR §12-113.

SUNDAYS AND HOLIDAYS.

Fire, rescue and emergency services workers day.

Annual proclamation by governor, GP §7-410.

SUPPORT AND MAINTENANCE.

Criminal nonsupport and desertion.

Desertion of minor child.

Penalties, FL §10-219.

Misdemeanors.

Desertion of minor child, FL §10-219.

SUPPORT AND MAINTENANCE —Cont'd

Criminal nonsupport and desertion

—Cont'd

Penalties.

Desertion of minor child, FL §10-219.

SURGEONS.

See PHYSICIANS.

SURVEILLANCE.

State personnel monitoring or recording telephone conversation, CR §9-602.

SYNAGOGUES.

Hate crime.

Damaging property of religious entity, CR §10-302.

T

TALBOT COUNTY.

Building code.

Agricultural buildings.

Exemption for buildings used for agritourism, PS §12-508.

Fire department.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Sheriff.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

TARGET SHOOTING.

Environmental sound level limits and noise control rules and regulations, EN §3-401.

TAXATION.

Adoption.

Income tax.

Adoption expenses, deductions, TG §10-208.

Agriculture.

Income tax, subtractions from federal adjusted gross income, TG §10-208.

Blind persons.

Subtractions from federal adjusted gross income.

Blindness-related expenses, TG §10-208.

Definitions.

Fuel taxes.

Motor carrier tax, TG §9-201.

Motor fuel tax, TG §9-301.

Sales and use tax.

Food, TG §11-206.

Fire department.

State adjustments for firefighters, TG §10-208.

Fuel taxes.

Definitions.

Motor carrier tax, TG §9-201.

Motor fuel tax, TG §9-301.

Health care facilities.

Elevators, installation of handrails.

Subtractions from federal adjusted gross income, TG §10-208.

INDEX

TAXATION —Cont'd

Highways.

Bond issues.

State highway construction bonds, TR §3-216.

Police officers.

Income tax.

Volunteer police officers, TG §10-208.

Honorable Louis L. Goldstein volunteer police, fire, rescue and emergency medical services personnel subtraction modification program, TG §10-213.

Snack tax, TG §11-206.

Vessels and boats.

Excise tax levied on issuance certificate of title or sale, NR §8-716.

TAXICABS.

Flashing green lights, TR §22-218.

Hold-up lights.

Flashing green lights on taxicabs, TR §22-218.

TEACHERS.

Income tax.

Unreimbursed expenses paid or incurred for purchase of classroom supplies.

Subtractions from federal adjusted gross income, TG §10-208.

TELECOMMUNICATIONS.

Cell phones.

911 emergency telephone system, PS §§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Traffic laws.

Minors, use of wireless communications device while driving, TR §21-1124.

Using handheld telephone while driving, TR §21-1124.2.

911 emergency telephone system, PS

§§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Wireless telephone service.

911 emergency telephone system, PS §§1-301 to 1-315.

See EMERGENCY TELEPHONE SYSTEM.

TELEPHONE CONVERSATIONS.

Prerecorded emergency message.

Transmitting, CR §9-603.

State personnel monitoring or recording,

CR §9-602.

TELEVISION.

Driving while television-type receiving equipment turned on, TR §22-414.

TERRORISM.

Catastrophic health emergency.

Disease surveillance and response program, HG §§18-901 to 18-908.

See CATASTROPHIC HEALTH EMERGENCY.

TERRORISM —Cont'd

Catastrophic health emergency —Cont'd

Proclamation by governor, PS §§14-3A-01 to 14-3A-08.

Emergency management.

Generally.

See EMERGENCY MANAGEMENT.

Scholarships.

Children or surviving spouses of victims of Sept. 11, 2001 terrorist attacks, ED §18-601.

TEXT MESSAGING DEVICES.

Traffic laws.

Minors, use of wireless communications device while driving, TR §21-1124.

THEFT.

Citation for misdemeanor theft.

Police officer authorized to charge by, CP §4-101.

Explosives.

Reports, PS §11-113.

Warrantless arrest, CP §2-203.

THREATS.

Arson, CR §6-107.

Hate crimes.

Associated building, damaging, CR §10-305.
Harassment because of race, color, religious beliefs, national origin, sexual orientation, or because person is homeless, CR §10-304.

Threats to damage property of a religious entity, CR §10-302.

Religious entity.

Threats to damage property of, CR §10-302.

TIME.

Search warrants, executing, CP §1-203.

TIRES.

Lead and mercury wheel weights, EN

§6-501.

TNT.

Possession of destructive device, CR

§§4-501 to 4-503.

TOBACCO.

Cigarettes.

Fire safety performance standard, BR §§16-601 to 16-610.

Fire safety performance standard for

cigarettes, BR §§16-601 to 16-610.

Fireworks plants.

Personnel safety standards, PS §10-209.

TOURISM.

Agritourism.

Building code.

Exemption for agricultural buildings used for agritourism, PS §12-508.

TOWING OF MOTOR VEHICLES.

Lights.

Oscillating, blinking, etc., lights on certain vehicles, TR §22-218.

TOWING OF MOTOR VEHICLES —Cont'd
Tow trucks.

Move over law, operation of vehicles on approaching tow trucks, TR §21-405.

TOXIC MATERIAL.

Destructive devices, CR §§4-501 to 4-503.

False statement or rumor, CR §9-504.

TRAFFIC CONTROL DEVICES.**Fines.**

Interference with prohibited, TR §21-206.

Interference with prohibited, TR §21-206.

Penalties.

Interference with prohibited, TR §21-206.

Signal monitoring systems.

Citations issued as result of, CJ §7-302.

Speed monitoring system.

Citations issued as result of, CJ §7-302.

**TRAFFIC CONTROL SIGNAL
MONITORING SYSTEMS.**

Citations issued as result of, CJ §7-302.

TRAFFIC LAWS.**Cell phones.**

Minors, use of wireless communications device while driving, TR §21-1124.

Using handheld telephone while driving, TR §21-1124.2.

Crosswalks.

Stopping, standing or parking on, TR §21-1003.

Curb ramps.

Parking in front of, TR §21-1003.

Driveways.

Stopping, standing or parking in front of, TR §21-1003.

Earphones.

Wearing while driving, TR §21-1120.

**Enforcement of vehicle law beyond
police officer's jurisdiction.**

Prohibited, CP §2-102.

Firefighting.

Crossing fire hose, TR §21-1110.

Fire hydrants.

Standing or parking close to, TR §21-1003.

Following fire apparatus, TR §21-1109.

Standing or parking in driveway entrances to fire stations, TR §21-1003.

General penalty provisions.

Penalties for misdemeanors, TR §27-101.

Headsets.

Wearing while driving, TR §21-1120.

Hearing aids.

Wearing earphones, headsets, etc., prohibited.

Exception to prohibition for hearing aids, TR §21-1120.

**Maryland transportation authority
highways, tunnels, bridges.**

Turns.

When prohibited, TR §21-1408.

TRAFFIC LAWS —Cont'd**Misdemeanors.**

Penalties for, TR §27-101.

Move over law.

Stopped, standing, parked emergency vehicles.

Duty of driver, TR §21-405.

Overtaking and passing.

Emergency vehicles, TR §21-405.

Penalties.

Misdemeanors, TR §27-101.

Railroads.

Grade crossings.

Parking within 50 feet of, TR §21-1003.

Signs and signals.

Interference with prohibited, TR §21-206.

Right-of-way.

Emergency vehicles.

Operation of vehicles on approach of authorized emergency vehicles, TR §21-405.

Pedestrians.

Yield right-of-way to authorized emergency vehicles, TR §21-510.

Safety zones.

Stopping, standing or parking between safety zone and adjacent curb, TR §21-1003.

School crossing guards.

Authority to direct traffic, TR §21-107.

Sidewalks.

Stopping, standing or parking on sidewalks, TR §21-1003.

Stopping and standing.

Prohibited in specified places, TR §21-1003.

Television-type receiving equipment.

Driving while turned on, TR §22-414.

Toll facilities.

Stopping, standing or parking in highway tunnels, TR §21-1003.

Video display equipment.

Driving while turned on, TR §22-414.1.

TRAILER AND TOURIST COURTS.**Counties.**

Regulation of trailer camps, LG §13-202.

TRANSPORTATION.**Explosives**, PS §11-102.**TRANSPORTATION DEPARTMENT.****Bond issues.**

Consolidated transportation bonds.

Taxation.

Pledge of tax, TR §3-215.

Issuance.

General authority, TR §3-202.

Contracts.

Waterborne marine fire protection, TR §2-110.

Vessels and boats.

Contracts for waterborne marine fire protection, TR §2-110.

Waterborne marine fire protection.

Contracts, TR §2-110.

TRANSPORTATION TRUST FUND.

General fund.

Transferring funds to.
Restrictions, TR §3-217.

TRAPSHOOTING.

Environmental sound level limits and noise control rules and regulations,
EN §3-401.

TRASH CONTAINERS.

Burning trash container, CR §6-108.

TRAUMA PHYSICIAN SERVICES FUND,
HG §19-130.

TRESPASS.

Forests and parks.

Notice as to trespass law, NR §5-703.

TRUCKS.

Identification.

Required, TR §22-404.3.

TUBERCULOSIS.

Correctional officers.

Exposure to tuberculosis.
Notification, HG §18-213.

Emergency medical care and services.

Exposure to tuberculosis.
Notification of emergency medical technicians, HG §18-213.

Fire department.

Exposure to tuberculosis.
Notification of fire fighters, HG §18-213.

Law enforcement personnel.

Exposure to tuberculosis.
Notification of law enforcement officers,
HG §18-213.

Notices.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers and correctional officers.
Exposure to contagious disease or virus,
HG §18-213.

Privileged communications.

Fire fighters, emergency medical technicians, rescue squadmen, law enforcement officers or correctional officers.
Notification of exposure to contagious disease or virus.
Breach of patient confidentiality, HG §18-213.

Rescue squads.

Exposure to tuberculosis.
Notification of rescue squadmen, HG §18-213.

Skin testing.

Emergency medical technicians administering, ED §13-516.

TULAREMIA.

Catastrophic health emergency.
Governor's power to proclaim, PS §§14-3A-01 to 14-3A-08.

U

UNDERAGE DRINKING.

Citation, crimes charged by, CP §4-101.

UNDERGROUND STORAGE TANK UPGRADE AND REPLACEMENT FUND.

Applicability of provisions.

Exceptions, EN §4-601.

Creation of fund, EN §4-601.

Establishment of fund, EN §4-601.

Exceptions to provisions, EN §4-601.

Loans.

Purposes, EN §4-601.

UNITED STATES.

Federal law enforcement officers.

Assisting police officers.

Immunity, CJ §5-611.

Park police officers.

Authority to enforce state laws within park, CP §2-104.1.

Authority to issue citations, CP §§2-104.1, 4-101.

Fire, rescue and emergency medical services.

Mutual aid agreements, PS §7-104.

Law enforcement personnel.

Federal law enforcement officials.

Assisting police officers.

Immunity, CJ §5-611.

Park police officers.

Authority to enforce state laws within park, CP §2-104.1.

Authority to issue citations, CP §§2-104.1, 4-101.

Misdemeanors.

Motor vehicles.

Persons exempt from licensing requirements.

Violations, TR §16-102.

Motor vehicles.

Congress.

Nonresident members of congress exempt from licensing, TR §16-102.

Drivers' licenses.

Nonresident members of congress exempt, TR §16-102.

Officers and employees exempt from licenses, TR §16-102.

Registration.

Exemptions.

Registration fees, TR §13-903.

Mutual aid agreements.

Fire, rescue and emergency medical services, PS §7-104.

National park system.

Park police officers.

Authority to enforce state laws within park, CP §2-104.1.

Authority to issue citations, CP §§2-104.1, 4-101.

UNIVERSITIES AND COLLEGES.**College investment plan.**

Income tax, subtractions from federal adjusted gross income, TG §10-207.

Dormitories.

Barbeque grills.
Restrictions on use, PS §9-1001.
Sprinkler systems, PS §§9-201 to 9-206.

Military ROTC program.

Richard W. Collins III leadership with honor scholarship program, ED §18-605.

Motor vehicles.

Drivers' licenses.
Nonresident students exempt from license, TR §16-102.

Scholarships.

Richard W. Collins III leadership with honor scholarship program, ED §18-605.

Workers' compensation.

Average weekly wage.
Disabled student, LE §9-602.

UNIVERSITY OF MARYLAND.**Board of regents.**

Emergency medical care and services.
Powers, ED §13-512.

Emergency medical care and services.

Board of regents.
Powers, ED §13-512.

Fire and rescue institute.

Creation of institute, ED §13-103.
Duties.
Generally, ED §13-103.
Funding of institute, ED §13-103.

Medical system corporation.

Board of directors.
Conflicts of interest, disclosures and prohibitions, ED §13-304.
Generally, ED §13-304.
Chief executive officer, ED §13-304.
Community advisory council, ED §13-304.
Conflict of interest policy.
Board of directors, disclosures and prohibitions, ED §13-304.
Declaration of purpose, ED §13-302.
Legislative findings, ED §13-302.

Police.

Authority granted police officers generally, CP §2-102.
Charging documents against law enforcement officers, CJ §2-608.
Definitions.
Police officer, CP §2-101.
Powers.
Granted to police officers generally, CP §2-102.

Rescue squads.

Maryland fire and rescue institute, ED §13-103.

VANDALISM.**Citation for malicious destruction of property.**

Police officer authorized to charge by, CP §4-101.

Hate crimes, CR §§10-301 to 10-308.**Warrantless arrest.**

Malicious mischief, CP §2-203.

VEHICULAR MANSLAUGHTER.**Warrantless arrest, CP §2-203.****VENUE.****Elevators.**

Decision to prohibit use of unsafe elevator unit.
Action to modify or vacate decision, PS §12-814.1.

False statement or rumor concerning destructive device or toxic material, CR §9-504.**VESSELS AND BOATS.****Ambulance vessels.**

Flashing red and yellow lights, NR §8-727.1.

Misdemeanors.

Violations of section by operators, NR §8-727.1.

Appropriations.

Waterways improvement districts.
Waterways improvement fund, NR §8-707.

Certificate of title.

Excise tax.
Levied on issuance certificate, NR §8-716.
Fees.
Originals and duplicates, NR §8-716.
Taxation.
Excise tax levied on issuance certificate, NR §8-716.

Coast guard.

Rules and regulations.
Information as to obtaining set of rules and regulations, NR §8-712.

Crimes and offenses.

Emergency vessels.
Violation of section of operators, NR §8-727.1.

Emergency vessels.

Flashing red and yellow lights or signal devices, NR §8-727.1.

Excise taxes.

Levied on issuance certificate of title or sale, NR §8-716.

Fees.

Certificate of title.
Originals and duplicates, NR §8-716.
Numbering vessels, NR §8-712.

Fire vessels.

Flashing red and yellow lights or signal devices, NR §8-727.1.

VESSELS AND BOATS —Cont'd

Flashing red and yellow lights or signal devices.

Use, NR §8-727.1.

Lights.

Flashing red and yellow lights or signal devices, NR §8-727.1.

Misdemeanors.

Emergency vessels.

Violation of section by operators, NR §8-727.1.

Numbering vessels.

Certificates, NR §8-712.

Exempted vessels, NR §8-712.

Fees, NR §8-712.

Required, NR §8-712.

Reports.

Waterways improvement districts.

Waterways improvement fund, NR §8-707.

Rescue vessels, NR §8-727.1.

Signal devices.

Use, NR §8-727.1.

Taxation.

Excise tax levied on issuance certificate of title or sale, NR §8-716.

Transportation department.

Contracts for waterborne marine fire protection, TR §2-110.

Waterways improvement districts.

Appropriations.

Waterways improvement fund, NR §8-707.

Reports.

Waterways improvement fund, NR §8-707.

Waterways improvement fund.

Appropriations, NR §8-707.

Established, NR §8-707.

Expenditures.

Certain projects, NR §8-707.

Reports, NR §8-707.

Use, NR §8-707.

VETERANS.

Motor vehicles.

Excise tax on certificates of title.

Exemption for veterans' organizations, TR §13-810.

Registration.

Exemption from registration fees, TR §13-903.

Scholarships.

Afghanistan and Iraqi conflicts, ED §18-604.

Prisoners of war or children of certain veterans, ED §18-601.

Workers' compensation.

Average weekly wage.

Recipient under federal veterans' benefit law, LE §9-602.

VETERANS' ORGANIZATIONS.

Sales and use tax.

Exempt organizations, TG §11-204.

VICTIMS OF CRIME.

Costs.

District Court.

Payment into criminal injuries

compensation fund and victim and witness protection and relocation program, CJ §7-301.

VIDEO DISPLAY EQUIPMENT.

Driving while turned on, TR §22-414.1.

VIOLATIONS.

Evacuation procedures, PS §9-506.

Fire marshal regulations, PS §§6-601, 6-602.

Fire prevention commission regulations, PS §§6-601, 6-602.

VOLUNTEER COMPANY ASSISTANCE

FUND, PS §§8-201 to 8-206.

Appropriations, PS §8-205.

Association.

Defined, PS §8-201.

Defined terms, PS §8-201.

Department.

Defined, PS §8-201.

Established, PS §8-202.

Grants and loans, PS §8-203.

Purpose, PS §8-203.

Reports, PS §8-206.

Requests for money, PS §8-204.

VOLUNTEER FIRE DEPARTMENTS.

Death in the line of duty.

Death benefits, PS §§1-202, 7-201 to 7-205.

Board defined, PS §7-201.

Eligibility, PS §7-203.

Funding, PS §7-204.

On duty defined, federal act, PS §7-205.

Reward for information regarding person who causes death, PS §1-201.

Disability and death benefits, PS §§7-201 to 7-205.

Board defined, PS §7-201.

Disability benefits, eligibility, PS §7-202.

Eligibility, PS §7-203.

Funding, PS §7-204.

On duty defined, federal act, PS §7-205.

Fire departments generally.

See FIRE DEPARTMENT.

Funds.

Volunteer company assistance fund, PS §§8-201 to 8-206.

Group life insurance for firefighters, IN §17-208.

Income tax, subtractions from federal adjusted gross income, TG §10-208.

Reward.

Death in the line of duty.

Reward for information regarding person who causes death, PS §1-201.

Volunteer company assistance fund, PS §§8-201 to 8-206.

VOLUNTEERS.

Charitable organizations.

Liability.

Immunity of physicians and volunteers providing health care services, CJ §5-606.

Liability, CJ §5-407.

Workers' compensation.

Covered employees and employers.

Civil defense, LE §§9-232, 9-232.1.

Generally, LE §9-231.

State government, volunteer with, LE §9-231.1.

Volunteer fire or rescue company, LE §9-234.

W

WAIVER.

Ambulances.

Licenses.

Waiver of requirements, ED §13-515.

Fire department.

Immunity from civil liability.

Waiver of immunity, CJ §5-604.

Rescue squads.

Immunity from civil liability.

Waiver of immunity in certain cases, CJ §5-604.

WAR.

Emergency management.

Generally, PS §§14-801 to 14-803.

WARRANTLESS ARREST.

Anne Arundel county or city of Annapolis fire and explosive investigator, CP §2-208.2.

Arson.

Fire marshal's authority.

Specified violations, CP §2-208.

Citation, right to receive not affected, CP §2-201.

Concealed weapons, CP §2-203.

Controlled dangerous substances, CP §2-203.

Correctional officers.

Authority of employees, CP §2-207.

Crime committed in presence of officer, CP §2-202.

Destructive devices.

Warrantless arrest.

Fire marshal's authority, CP §2-208.

Domestic abuse, CP §2-204.1.

Domestic violence, CP §2-204.

Violation of protective order, CP §2-204.1.

Effect of subtitle, CP §2-201.

False alarm, CP §2-203.

Felony committed, CP §2-202.

Fire marshal and assistants, authority, CP §2-208.

Anne Arundel county or city of Annapolis fire and explosive investigators, CP §2-208.2.

WARRANTLESS ARREST —Cont'd

Fire marshal and assistants, authority —Cont'd

Howard county fire and explosive investigators, CP §2-208.6.

Montgomery county fire and explosive investigators, CP §2-208.1.

Prince George's County fire and explosive investigator, CP §2-208.3.

Worcester County fire and explosive investigator, CP §2-208.4.

Generally, CP §2-202.

Handguns, wearing, carrying or transporting, CP §2-203.

Home detention inmates.

Authority of persons monitoring inmates, CP §2-207.

Howard county fire and explosive investigator, CP §2-208.6.

Indecent exposure, CP §2-203.

Local correctional officers.

Authority, CP §2-207.

Malicious burning, CP §§2-203, 2-208.

Malicious mischief, CP §2-203.

Manslaughter by vehicle, CP §2-203.

Montgomery county fire and explosive investigator, CP §2-208.1.

Other rights of arrest not affected, CP §2-201.

Parole and probation employees supervising inmates on home detention.

Authority, CP §2-207.

Prince George's County fire and explosive investigator, CP §2-208.3.

Probable cause.

Belief a person violated a domestic violence protective order, CP §2-204.1.

Belief crime committed in officer's presence or felony committed, CP §2-202.

Belief that specified crimes committed, CP §2-203.

Fire marshal and assistants, authority, CP §2-208.

Domestic abuse, CP §§2-204, 2-204.1.

Stalking, CP §2-205.

Protective orders.

Domestic violence protective order, CP §2-204.1.

Specified crimes, probable cause crimes committed, CP §2-203.

Fire marshal and assistants, authority, CP §2-208.

Stalking, CP §2-205.

State correctional officers.

Authority, CP §2-207.

State fire marshal and assistants, CP §2-208.

Anne Arundel county or city of Annapolis fire and explosive investigator, CP §2-208.2.

Howard county fire and explosive investigators, CP §2-208.6.

INDEX

WARRANTLESS ARREST —Cont'd **State fire marshal and assistants** —Cont'd

- Montgomery county fire and explosive investigators, CP §2-208.1.
- Prince George's County fire and explosive investigator, CP §2-208.3.
- Worcester County fire and explosive investigator, CP §2-208.4.

Theft, CP §2-203.

Worcester County fire and explosive investigator, CP §2-208.4.

WARRANTS.

Arrest.

- See ARREST WARRANTS.

Arson or burning, CR §6-111.

Destruction.

Arrest.

- Powers and duties of chief judge of District Court, CJ §1-605.

Hazardous materials and substances.

- Administrative search warrants, EN §7-256.1.

Searches and seizures.

- Hazardous materials and substances.
 - Administrative search warrants, EN §7-256.1.

WASHINGTON COUNTY.

Alarm systems, LG §12-806.

Fire police.

- Fire and ambulance company members.
 - Appointment, powers, termination, removal, PS §7-304.

Noise control.

- Trapshooting, skeet shooting, etc.
 - Limitations on authority, EN §3-401.

Sheriff.

- Fire police.
 - Fire and ambulance company members.
 - Appointment, powers, termination, removal, PS §7-304.

Trapshooting, skeetshooting or other target shooting.

- Environmental sound level limits and noise control rules and regulations, EN §3-401.

WASHINGTON SUBURBAN SANITARY DISTRICT.

Police force.

- Police officer defined as including, CP §2-101.

WATER AND SEWER SYSTEMS.

Sprinkler systems, PS §§9-201 to 9-206.

Taxation.

- Cost difference between disposal systems.
 - Subtractions from federal adjusted gross income, TG §10-208.

WATERSHED MANAGEMENT.

Highways.

- Appropriations.
 - Watershed implementation plan, TR §8-613.3.

WEAPONS.

Concealed weapons.

- Warrantless arrest, CP §2-203.

Destructive devices, CR §§4-501 to 4-503.

- Definitions, CR §4-501.
- Exceptions to subtitle, CR §4-502.
- Manufacture or possession prohibited, CR §4-503.
- Restitution ordered for violation, CR §4-503.
- Scope of subtitle, CR §4-502.

Explosives, PS §§11-101 to 11-118.

- See EXPLOSIONS AND EXPLOSIVES.

General assembly.

- Use of firearms and other devices, SG §2-1702.

Handguns.

- Carrying.
 - Unlawful carrying.
 - Warrantless arrest, CP §2-203.
- General assembly.
 - Use of firearms and other devices, SG §2-1702.
- Transporting.
 - Unlawful transporting.
 - Warrantless arrest, CP §2-203.
- Wearing, carrying or transporting.
 - Unlawful wearing.
 - Warrantless arrest, CP §2-203.

WHARVES.

Arson and burning, CR §§6-101 to 6-111.

WHEEL OF FORTUNE.

Gaming devices.

- Defined as, CR §12-101.

WHISTLEBLOWER PROTECTION.

Law enforcement officers and personnel.

- Rights of officers generally, PS §3-103.

WHISTLES.

Emergency vehicles, TR §22-218.

WICOMICO COUNTY.

Admissions and amusement tax.

- Tennis courts.
 - Exemption, TG §4-104.

Community colleges.

- Parking.
 - May be prohibited, TR §21-1003.

Fires and fire prevention.

- Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

Motor vehicles.

- Parking.
 - Prohibited in certain places, TR §21-1003.

Schools.

- County board of education.
 - Parking on school property, TR §21-1003.

WIDOWS AND WIDOWERS.

Law enforcement officers and personnel.

- Death in the line of duty.
 - Spouse of fallen officer.
 - Property tax credits, TP §9-210.

WIDOWS AND WIDOWERS —Cont'd

Scholarships.

Surviving spouses of public officers killed in line of duty, ED §18-601.

WIRELESS TELEPHONE SERVICE.

911 emergency telephone system, PS

§§1-301 to 1-315.

See 911 EMERGENCY TELEPHONE SYSTEM.

Traffic laws.

Minors, use of wireless communications device while driving, TR §21-1124.

Using handheld telephone while driving, TR §21-1124.2.

WIRETAPPING.

Attorney general.

Order authorizing interception of communications.

Application, CJ §10-406.

Body wires.

Lawful acts, CJ §10-402.

Crimes and offenses.

Interception of communications.

Unlawful acts, CJ §10-402.

Disclosure or use of communication, CJ

§10-402.

Ex parte order authorizing interception of communications.

Application.

Attorney general, state prosecutor or state's attorney may apply, CJ §10-406.

Attorney general.

Application for order, CJ §10-406.

State prosecutor.

Application for order, CJ §10-406.

State's attorney.

Application for order, CJ §10-406.

Felonies.

Interception of communications.

Unlawful acts, CJ §10-402.

Lawful acts, CJ §10-402.

Oral communications to law enforcement officers.

Lawful acts, CJ §10-402.

Order authorizing.

Attorney general, state prosecutor or state's attorney may apply, CJ §10-406.

Pen registers and trap and trace devices.

Lawful acts, CJ §10-402.

State personnel monitoring or recording telephone conversation, CR §9-602.

State prosecutor.

Order authorizing interception of communications.

Application, CJ §10-406.

State's attorneys.

Order authorizing interception of communications.

Application, CJ §10-406.

Unlawful acts, CJ §10-402.

WIRETAPPING —Cont'd

Use of contents of communication.

Unlawful acts, CJ §10-402.

WITNESSES.

Fire marshal.

Authority to take testimony, PS §6-310.

WOOD-BURNING STOVES.

Sale, distribution or installation, CL §14-1309.

WORCESTER COUNTY.

Fire and explosive investigator.

Authority, CP §2-208.4.

Fires and fire prevention.

Firefighters appointed as deputy sheriffs, PS §§7-301 to 7-304.

WORKERS' COMPENSATION.

Average weekly wage.

Fire fighters in natural resources department, LE §9-602.

General provisions, LE §9-602.

Volunteer fire or rescue company member, LE §9-602.

Baltimore county.

Average weekly wage.

Auxiliary police officer, LE §9-602.

Volunteer fire company member, LE §9-602.

Benefits.

Average weekly wage.

Computation, LE §9-602.

Casualty insurance.

Generally.

See PROPERTY AND CASUALTY INSURANCE.

Cecil county.

Average weekly wage.

Volunteer deputy sheriff, LE §9-602.

Charles county.

Average weekly wage.

Volunteer deputy sheriff, LE §9-602.

Civil defense volunteers.

Covered employees and employers, LE §§9-232, 9-232.1.

Covered employees and employers.

Civil defense volunteers, LE §§9-232, 9-232.1.

Minors.

Unlawful employment construed as covered employment, LE §9-202.

Natural resources department.

Crew members and fire fighters, LE §9-207.

Political subdivisions.

Official of political subdivision, LE §9-217.

Public officers and employees.

Official of political subdivision, LE §9-217.

Site of employment.

Crew members and fire fighters.

Department of natural resources, LE §9-207.

WORKERS' COMPENSATION —Cont'd
Covered employees and employers

- Cont'd
- Volunteers.
 - State government, volunteer with, LE §9-231.1.

Definitions.

- Public safety employee, LE §9-628.
- Volunteer fire or rescue company, LE §9-234.

Disabled students.

- Average weekly wage, LE §9-602.

Emergency medical care and services.

- Mutual aid agreements.
 - Line of duty, PS §7-106.
- Occupational diseases.
 - Statutory presumption for first responders, LE §9-503.

Entitlement to compensation.

- Fire fighters and fire fighting instructors.
 - Occupational diseases.
 - Statutory presumption, LE §9-503.
- Occupational diseases.
 - Fire fighters and fire fighting instructors.
 - Statutory presumption, LE §9-503.
 - Police officers.
 - Statutory presumption, LE §9-503.
 - Rescue squad members.
 - Statutory presumption, LE §9-503.
 - Police officers.
 - Occupational diseases.
 - Statutory presumption, LE §9-503.
 - Rescue squad members.
 - Occupational diseases.
 - Statutory presumption, LE §9-503.

Explosives licenses.

- Certificate of compliance, PS §11-107.

Fire departments.

- Average weekly wage.
 - Fire fighters in natural resources department, LE §9-602.
 - Volunteer fire or rescue company member, LE §9-602.
- Mutual aid agreements.
 - Line of duty, PS §7-106.
- Occupational diseases.
 - Statutory presumption for first responders, LE §9-503.

Fire marshals.

- Occupational diseases.
 - Statutory presumptions, LE §9-503.

Fireworks.

- Permit requirements, PS §10-106.

Horse racing.

- Jockey.
 - Average weekly wage, LE §9-602.
- Race horse owners and trainers.
 - Insurance coverage.
 - Coverage required, LE §9-402.

Insurance coverage.

- Casualty insurance generally.
 - See PROPERTY AND CASUALTY INSURANCE.

WORKERS' COMPENSATION —Cont'd
Insurance coverage —Cont'd

- Generally, LE §9-402.
- Jurors.
 - Coverage required, LE §9-402.
- Militia.
 - Coverage required, LE §9-402.
- Race horse owners or trainers.
 - Coverage required, LE §9-402.
- Recipient of public assistance.
 - Coverage required, LE §9-402.
- Required, LE §9-402.
- Volunteer fire company or rescue squad.
 - Coverage required, LE §9-402.

Jockeys.

- Average weekly wage, LE §9-602.

Jurors.

- Insurance coverage.
 - Coverage required, LE §9-402.

Militia.

- Average weekly wage, LE §9-602.
- Insurance coverage.
 - Coverage required, LE §9-402.

Occupational diseases.

- Entitlement to compensation.
 - Fire fighters and fire fighting instructors.
 - Statutory presumption, LE §9-503.
 - Rescue squad members.
 - Statutory presumption, LE §9-503.

Partial disability.

- Permanent partial disability.
 - Compensation for 75 weeks but less than 250 weeks, LE §9-629.
 - Compensation for 250 weeks or more.
 - Generally, LE §9-630.
 - Compensation for less than 75 weeks, LE §9-628.
- Public safety employees.
 - Award of compensation for less than 75 weeks, rate of award, LE §9-628.
- Serious disability.
 - Compensation for 250 weeks or more.
 - Generally, LE §9-630.

Police officers.

- Average weekly wage.
 - Baltimore county.
 - Auxiliary police officer, LE §9-602.
- Entitlement to compensation.
 - Occupational diseases.
 - Statutory presumption, LE §9-503.

Political subdivisions.

- Covered employees and employers.
 - Official of political subdivision, LE §9-217.

Presumptions.

- Covered employees and employers, LE §9-202.
- Entitlement to compensation.
 - Occupational diseases.
 - Law enforcement and public safety officers, LE §9-503.

Prisoners.

- Average weekly wage, LE §9-602.

INDEX

WORKERS' COMPENSATION —Cont'd

Public officers and employees.

- Covered employees and employers.
- Official of political subdivision, LE §9-217.

Public safety employees.

- Permanent partial disability.
- Award of compensation for less than 75 weeks, rate of award, LE §9-628.

Racing.

- Race horse owners or trainers.
- Insurance coverage required, LE §9-402.

Rescue squads.

- Mutual aid agreements.
- Line of duty, PS §7-106.
- Occupational diseases.
- Statutory presumption for first responders, LE §9-503.

Retirement benefits.

- Entitlement to compensation.
- Law enforcement and public safety officers.
- Compensation in addition to retirement benefits, LE §9-503.

Schools.

- Average weekly wage.
- Disabled student, LE §9-602.

Universities and colleges.

- Average weekly wage.
- Disabled student, LE §9-602.

Veterans.

- Average weekly wage.
- Recipient under federal veterans' benefit law, LE §9-602.

WORKERS' COMPENSATION —Cont'd

Volunteer fire company or rescue squad.

- Covered employees and employers, LE §§9-234, 9-402.

Volunteers.

- Covered employees and employers.
- Civil defense, LE §§9-232, 9-232.1.
- Generally, LE §9-231.
- State government, volunteer with, LE §9-231.1.
- Volunteer fire or rescue company, LE §§9-234, 9-402.

Welfare recipients.

- Insurance coverage.
- Coverage required, LE §9-402.

WRONGFULLY SEIZED PROPERTY.

Return.

- Property seized pursuant to search warrant, CP §1-203.

Z

ZONING.

Building codes.

- Effect of subtitle, PS §12-502.

Environmental noise standards, sound levels and control rules and regulations.

- Zoning considered in adoption, EN §3-401.

Fireworks plants.

- Building location, PS §10-204.

Municipal corporations.

- Local authority, LG §5-212.
- Regulations, LG §5-213.